



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3538/PT  
CMH:wlj:ff

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*Sober Today  
please  
in 11/26*

*Stays*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*Please  
P.W.F.  
Tx.*

*referred*

1 AN ACT *to renumber* 904.04 (2) (b), 944.30, 944.33 (1) and 973.076 (1); *to*  
2 *renumber and amend* 940.302 (1) (a), 944.33 (2), 944.33 (3), 973.015 and  
3 973.076 (2); *to amend* 6.47 (1) (b), 48.02 (1) (d), 48.355 (2d) (a) 2. a., 48.371 (3)  
4 (d), 48.57 (3p) (g) 3., 51.20 (13) (cr), 103.10 (1m) (b) 6., 103.34 (1) (b) 2., 165.60,  
5 165.70 (1) (b), 165.76 (1) (am), 301.048 (2) (bm) 1. a., 301.45 (1p) (a), 301.45 (7)  
6 (e) 2., 301.45 (7) (e) 3., 440.312 (2), 440.982 (2), 460.05 (1) (h) 1., 460.14 (2m) (a),  
7 904.04 (2) (a), 938.34 (15) (a) 1., 938.355 (2d) (a) 2., 938.371 (3) (d), 939.615 (1)  
8 (b) 2., 940.302 (1) (d), 940.302 (2) (a) 2. i., 940.302 (2) (a) 2. j., 940.302 (2) (b),  
9 946.82 (4), 948.051 (1), 948.07 (3), 948.10 (title), 948.10 (1) (intro.), 949.03 (1)  
10 (b), 950.04 (1v) (p), 971.17 (1m) (a) 1., 972.15 (4), 973.075 (1) (a), 973.075 (1) (b)  
11 1m. c., 973.075 (2) (intro.) and 973.075 (5m) (c) (intro.); and *to create* 940.302  
12 (1) (a) 1., 2., 3. and 4., 940.302 (2) (a) 2. k. and L., 944.30 (2m), 972.15 (4n),  
13 973.015 (2m), 973.015 (4), 973.076 (1) (title) and 973.076 (2m) of the statutes;  
14 **relating to:** human trafficking, human trafficking victims, property

1 forfeitures, rights of victims, admitting evidence of past actions, definitions of  
2 certain offenses, and providing penalties.

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***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

INS  
P 3 **SECTION 1.** 6.47 (1) (b) of the statutes is amended to read:

4 6.47 (1) (b) "Offense relating to domestic abuse, sexual assault, or stalking"  
5 means an offense specified in s. 940.19, 940.20 (1m), 940.201, 940.22, 940.225,  
6 940.235, 940.32, 947.013, 948.02, 948.025, 948.06, 948.085, 948.09, or 948.095.

7 **SECTION 2.** 48.02 (1) (d) of the statutes is amended to read:

8 48.02 (1) (d) Permitting, allowing or encouraging a child to violate s. 944.30  
9 (1m).

10 **SECTION 3.** 48.355 (2d) (a) 2. a. of the statutes is amended to read:

11 48.355 (2d) (a) 2. a. A violation of s. 940.225, 944.30 (1m), 948.02, 948.025,  
12 948.05, 948.051, 948.055, 948.06, 948.085, 948.09 or 948.10.

13 **SECTION 4.** 48.371 (3) (d) of the statutes is amended to read:

14 48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,  
15 in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or  
16 948.085, prostitution in violation of s. 944.30 (1m), trafficking in violation of s.  
17 940.302 (2) if s. 940.302 (2) (a) 1. b. applies, sexual exploitation of a child in violation  
18 of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child to view  
19 or listen to sexual activity in violation of s. 948.055, if the information is necessary  
20 for the care of the child or for the protection of any person living in the foster home,

1 group home, or residential care center for children and youth or in the home of the  
2 relative.

3 **SECTION 5.** 48.57 (3p) (g) 3. of the statutes is amended to read:

4 48.57 (3p) (g) 3. The person has been convicted of a violation of ch. 940, 944,  
5 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63, or 948.70,  
6 or of a violation of the law of any other state or federal law that would be a violation  
7 of ch. 940, 944, or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,  
8 948.63, or 948.70, if committed in this state, except that a county department or, in  
9 a county having a population of 500,000 or more, the department may make  
10 payments to a person applying for payments under sub. (3m) and a person receiving  
11 payments under sub. (3m) may employ in a position in which the person would have  
12 regular contact with the child for whom those payments are being made or permit  
13 to be an adult resident a person who has been convicted of a violation of s. 944.30  
14 (1m), 944.31, or 944.33 or of a violation of the law of any other state or federal law  
15 that would be a violation of s. 944.30 (1m), 944.31, or 944.33 if committed in this  
16 state, if that violation occurred 20 years or more before the date of the investigation.

17 **SECTION 6.** 51.20 (13) (cr) of the statutes, as affected by 2013 Wisconsin Act 20,  
18 is amended to read:

19 51.20 (13) (cr) If the subject individual is before the court on a petition filed  
20 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a  
21 violation that would be a felony if committed by an adult in this state or a violation  
22 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (~~1~~), 946.52, or  
23 948.10 (1) (b), the court shall require the individual to provide a biological specimen  
24 to the state crime laboratories for deoxyribonucleic acid analysis. The court shall  
25 inform the individual that he or she may request expungement under s. 165.77 (4).

**SECTION 7.** 103.10 (1m) (b) 6. of the statutes is amended to read:

103.10 (1m) (b) 6. "Sexual abuse" means conduct that is in violation of s. 940.225, 944.30 (1m), 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.085, 948.09, or 948.10 or that is in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

**SECTION 8.** 103.34 (1) (b) 2. of the statutes is amended to read:

103.34 (1) (b) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19 (2), (4), (5), or (6), 940.21, 940.225 (1), (2), or (3), 940.23, 940.235, 940.24, 940.25, 940.30, 940.302, 940.305, 940.31, 943.02, 943.03, 943.04, 943.10, 943.30, 943.31, 943.32, 944.32, 944.33 (2), 944.34, 946.10, 948.02 (1) or (2), 948.025, 948.03 (2) or (3), 948.04, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30 or of a substantially similar federal law or law of another state.

**SECTION 9.** 165.60 of the statutes is amended to read:

**165.60 Law enforcement.** The department of justice is authorized to enforce ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30 (1m), 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false statement submitted or made under s. 175.60 (7) (b) or (15) (b) 2. or as described under s. 175.60 (17) (c), to enforce s. 946.32 and is invested with the powers conferred by law upon sheriffs and municipal police officers in the performance of those duties. This section does not deprive or relieve sheriffs, constables, and other local police officers of the power and duty to enforce those sections, and those officers shall likewise enforce those sections.

**SECTION 10.** 165.70 (1) (b) of the statutes is amended to read:

1           165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss.  
2           940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30,  
3           944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075, and  
4           948.08.

5           **SECTION 11.** 165.76 (1) (am) of the statutes, as created by 2013 Wisconsin Act  
6           20, is amended to read:

7           165.76 (1) (am) Is or was adjudicated delinquent for an act that if committed  
8           by an adult in this state would be a felony or for a violation of s. 940.225 (3m), 941.20  
9           (1), 944.20, 944.30 (1m), 944.31, 944.33 ~~(1)~~, 946.52, or 948.10 (1) (b).

10          **SECTION 12.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

11          301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195  
12          (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,  
13          940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)  
14          or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.235, 940.285  
15          (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3),  
16          940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011,  
17          943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43,  
18          947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07,  
19          948.08, 948.085, or 948.30.

20          **SECTION 13.** 301.45 (1p) (a) of the statutes is amended to read:

21          301.45 (1p) (a) If a person is covered under sub. (1g) based solely on an order  
22          that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in connection with a  
23          delinquency adjudication or a conviction for a violation of s. 942.08 (2) (b), (c), or (d),  
24          the person is not required to comply with the reporting requirements under this

1 section if the delinquency adjudication is expunged under s. 938.355 (4m) (b) or if the  
2 conviction is expunged under s. 973.015 ~~(2)~~ (1m) (b).

3 **SECTION 14.** 301.45 (7) (e) 2. of the statutes is amended to read:

4 301.45 (7) (e) 2. The department issues a certificate of discharge under s.  
5 973.015 ~~(2)~~ (1m) (b).

6 **SECTION 15.** 301.45 (7) (e) 3. of the statutes is amended to read:

7 301.45 (7) (e) 3. The department receives a certificate of discharge issued under  
8 s. 973.015 ~~(2)~~ (1m) (b) by the detaining authority.

9 **SECTION 16.** 440.312 (2) of the statutes is amended to read:

10 440.312 (2) The department may not grant a license under this subchapter to  
11 any person who has been convicted of an offense under s. 940.22, 940.225, 940.302  
12 (2) (a) 1. b., 944.06, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34,  
13 948.02, 948.025, 948.051, 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10,  
14 948.11, or 948.12.

15 **SECTION 17.** 440.982 (2) of the statutes is amended to read:

16 440.982 (2) The department may not grant a license under this subchapter to  
17 any person who has been convicted of an offense under s. 940.22, 940.225, 944.06,  
18 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025,  
19 948.051, 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10, 948.11, or 948.12  
20 or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

21 **SECTION 18.** 460.05 (1) (h) 1. of the statutes is amended to read:

22 460.05 (1) (h) 1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
23 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09,  
24 948.095, or 948.10.

25 **SECTION 19.** 460.14 (2m) (a) of the statutes is amended to read:

1 460.14 (2m) (a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
2 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09,  
3 948.095, or 948.10.

*General inadmissibility of evidence of past acts.*

4 SECTION 20. 904.04 (2) (a) of the statutes is amended to read:

5 904.04 (2) (a) Except as provided in par. (b) 2., evidence of other crimes, wrongs,  
6 or acts is not admissible to prove the character of a person in order to show that the  
7 person acted in conformity therewith. This subsection does not exclude the evidence  
8 when offered for other purposes, such as proof of motive, opportunity, intent,  
9 preparation, plan, knowledge, identity, or absence of mistake or accident.

10 SECTION 21. 904.04 (2) (b) of the statutes is renumbered 904.04 (2) (b) 2.

11 SECTION 22. 938.34 (15) (a) 1. of the statutes, as affected by 2013 Wisconsin Act  
12 20, is amended to read:

13 938.34 (15) (a) 1. If the juvenile is adjudicated delinquent on the basis of a  
14 violation that would be a felony if committed by an adult in this state or of a violation  
15 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (1), 946.52, or  
16 948.10 (1) (b), the court shall require the juvenile to comply with the requirement  
17 under s. 165.76 (1) (am) by providing a biological specimen to the state crime  
18 laboratories for deoxyribonucleic acid analysis. The court shall inform the juvenile  
19 that he or she may request expungement under s. 165.77 (4).

20 SECTION 23. 938.355 (2d) (a) 2. of the statutes is amended to read:

21 938.355 (2d) (a) 2. "Sexual abuse" means a violation of s. 940.225, 944.30 (1m),  
22 948.02, 948.025, 948.05, 948.055, 948.06, 948.085, 948.09 or 948.10 or a violation of  
23 the law of any other state or federal law if that violation would be a violation of s.  
24 940.225, 944.30 (1m), 948.02, 948.025, 948.05, 948.055, 948.06, 948.085 (2), 948.09  
25 or 948.10 if committed in this state.

IN 1  
7-10

NA  
7-10

1           **SECTION 24.** 938.371 (3) (d) of the statutes is amended to read:

2           938.371 (3) (d) Any involvement of the juvenile, whether as victim or  
3 perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02,  
4 948.025, or 948.085, prostitution in violation of s. 944.30 (1m), sexual exploitation  
5 of a child in violation of s. 948.05, or causing a child to view or listen to sexual activity  
6 in violation of s. 948.055, if the information is necessary for the care of the juvenile  
7 or for the protection of any person living in the foster home, group home, residential  
8 care center for children and youth, or juvenile correctional facility.

9           **SECTION 25.** 939.615 (1) (b) 2. of the statutes is amended to read:

10          939.615 (1) (b) 2. A violation, or the solicitation, conspiracy or attempt to  
11 commit a violation, under ch. 940, 942, 943, 944 or 948 other than a violation  
12 specified in subd. 1., if the court determines that one of the purposes for the conduct  
13 constituting the violation was for the actor's sexual arousal or gratification.

14          **SECTION 26.** 940.302 (1) (a) of the statutes is renumbered 940.302 (1) (a) (intro.)  
15 and amended to read:

16          940.302 (1) (a) (intro.) "Commercial sex act" means ~~sexual contact~~ any of the  
17 following for which anything of value is given to, promised, or received, directly or  
18 indirectly, by any person:

19          **SECTION 27.** 940.302 (1) (a) 1., 2., <sup>and</sup> 3. ~~and 4.~~ of the statutes are created to read:

20          940.302 (1) (a) 1. Sexual contact.

21          2. Sexual intercourse.

22          3. (Sexually explicit performance.

23          ① a. Any other conduct done for the purpose of sexual humiliation, degradation,  
24          b. arousal, or gratification.

25          **SECTION 28.** 940.302 (1) (d) of the statutes is amended to read:



1           940.302 (1) (d) “Trafficking” means recruiting, enticing, harboring,  
2           transporting, providing, or obtaining, or attempting to recruit, entice, harbor,  
3           transport, provide, or obtain, an individual ~~without consent of the individual.~~

4           **SECTION 29.** 940.302 (2) (a) 2. i. of the statutes is amended to read:

5           940.302 (2) (a) 2. i. Controlling or threatening to control any individual’s access  
6           to an addictive controlled substance.

7           **SECTION 30.** 940.302 (2) (a) 2. j. of the statutes is amended to read:

8           940.302 (2) (a) 2. j. Using any scheme or, pattern, or other means to cause an  
9           directly or indirectly coerce, threaten, or intimidate any individual to believe that  
10          ~~any individual would suffer bodily harm, financial harm, restraint, or other harm.~~

11          **SECTION 31.** 940.302 (2) (a) 2. k. and L. of the statutes are created to read:

12          940.302 (2) (a) 2. k. Using or threatening to use force or violence on any  
13          individual.

14          L. Causing or threatening to cause any individual to do any act against the  
15          individual’s will or without the individual’s consent.

16          **SECTION 32.** 940.302 (2) (b) of the statutes is amended to read:

17          940.302 (2) (b) Whoever benefits in any manner from a violation of par. (a) is  
18          guilty of a Class D felony if the person knows or reasonably should have known that  
19          the benefits come from or are derived from an act or scheme described in par. (a).

20          **SECTION 33.** 944.30 of the statutes is renumbered 944.30 (1m).

21          **SECTION 34.** 944.30 (2m) of the statutes is created to read:

22          944.30 (2m) If the person under sub. (1m) has not attained the age of 18 years  
23          and if the court determines that the best interests of the person are served and  
24          society will not be harmed, the court may enter a consent decree under s. 938.32 or  
25          a deferred prosecution agreement in accordance with s. 938.245, 971.39, or 971.40.

SECTION 35. 944.33 (1) of the statutes is renumbered 944.33.

SECTION 36. 944.33 (2) of the statutes is renumbered 940.302 (2) (c) and amended to read:

940.302 (2) (c) ~~If the person received~~ <sup>plain</sup> Whoever knowingly receives  
compensation from the earnings of ~~the debt bondage or a prostitute,~~ <sup>↓</sup> such person is  
guilty of a Class F felony.

\*\*\*\*NOTE: I did not add "a commercial sex act" as the instructions indicated. That seemed so broad, since this prohibition has no element of force or trafficking, as to render people associated with businesses such as "gentlemen's clubs" guilty of a felony. That would greatly expand upon the original provision, which focused on receipt of compensation from the earnings of a prostitute. Would you prefer to add "commercial sex act," but limit it to sub. (1) (a) 1. and 2.?

or  
a  
commercial  
sex  
act, as  
described

SECTION 37. 944.33 (3) of the statutes is renumbered 904.04 (2) (b) 1. and amended to read:

904.04 (2) (b) 1. In a <sup>plain</sup> ~~prosecution under this section,~~ <sup>space</sup> it is competent for the state  
to prove other criminal proceeding alleging a violation of s. 940.302 (2) or of ch. 948,  
alleging the commission of a serious sex offense, as defined in s. 939.615 (1) (b), or  
of domestic abuse, as defined in s. 968.075 (1) (a), or alleging an offense that,  
following a conviction, is subject to the surcharge in s. 973.055, evidence of any  
similar acts by the accused for the purpose of showing the accused's intent and  
disposition is admissible, and is admissible without regard to whether the victim of  
the crime that is the subject of the proceeding is the same as the victim of the similar  
act.

in  
Sub.  
(1) (a)  
1. and  
2.

SECTION 38. 946.82 (4) of the statutes is amended to read:

946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
(1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,  
134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,

221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6), 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g), 943.011, 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (bf) to (e), 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28, 943.30, 943.32, 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4) (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82, 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

**SECTION 39.** 948.051 (1) of the statutes is amended to read:

948.051 (1) Whoever knowingly recruits, entices, provides, obtains, or harbors, or knowingly attempts to recruit, entice, provide, obtain, or harbor, any child for the purpose of commercial sex acts, as defined in s. 940.302 (1) (a), ~~or sexually explicit performance~~ is guilty of a Class C felony.

**SECTION 40.** 948.07 (3) of the statutes is amended to read:

948.07 (3) Exposing a sex organ genitals, pubic area, or intimate parts to the child or causing the child to expose a sex organ genitals, pubic area, or intimate parts in violation of s. 948.10.

**SECTION 41.** 948.10 (title) of the statutes is amended to read:

**948.10 (title) Exposing genitals or, pubic area, or intimate parts.**

**SECTION 42.** 948.10 (1) (intro.) of the statutes is amended to read:

1           948.10 (1) (intro.) Whoever, for purposes of sexual arousal or sexual  
2 gratification, causes a child to expose genitals ~~or~~, pubic area, or intimate parts or  
3 exposes genitals ~~or~~, pubic area, or intimate parts to a child is guilty of the following:

4           **SECTION 43.** 949.03 (1) (b) of the statutes is amended to read:

5           949.03 (1) (b) The commission or the attempt to commit any crime specified in  
6 s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,  
7 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.235,  
8 940.24, 940.25, 940.285, 940.29, 940.30, 940.302 (2), 940.305, 940.31, 940.32,  
9 941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23 (1g), 943.32, 943.81, 943.86,  
10 943.87, 948.02, 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.075,  
11 948.08, 948.085, 948.09, 948.095, 948.20, 948.30 or 948.51.

12           **SECTION 44.** 950.04 (1v) (p) of the statutes is amended to read:

13           950.04 (1v) (p) To have the person preparing a presentence investigation under  
14 s. 972.15 make a reasonable attempt to contact the victim, as provided in s. 972.15  
15 (2m), and to view the sentence recommendation and any victim information included  
16 on the presentence investigation report, as provided in s. 972.15 (4m). 4m ✓

\*\*\*NOTE: See comment under SECTION 43

INS 12-17 NOTE

17           **SECTION 45.** 971.17 (1m) (a) 1. of the statutes, as affected by 2013 Wisconsin  
18 Act 20, is amended to read:

19           971.17 (1m) (a) 1. If the defendant under sub. (1) is found not guilty by reason  
20 of mental disease or defect for a felony or a violation of s. 165.765 (1), 2011 stats., or  
21 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (1), 946.52, or  
22 948.10 (1) (b), the court shall require the person to provide a biological specimen to  
23 the state crime laboratories for deoxyribonucleic acid analysis. The judge shall  
24 inform the person that he or she may request expungement under s. 165.77 (4).

1       **SECTION 46.** 972.15 (4) of the statutes is amended to read:

2       972.15 (4) Except as provided in sub. (4m), (4n), (5), or (6), after sentencing the  
3       presentence investigation report shall be confidential and shall not be made  
4       available to any person except upon specific authorization of the court.

5       **SECTION 47.** 972.15 (4n) of the statutes is created to read:

6       972.15 (4n) The district attorney may disclose to a victim the sentence  
7       recommendation on a presentence investigation report and any information  
8       regarding the victim included under sub. (2m) on the report.

      \*\*\*\*NOTE: This provision gives the DA the discretion to disclose the information to  
      the victim but s. 950.04 (1v) (p) gives the victim the right to see it (see SECTION 44). Should  
      this provision require the DA to disclose the information to the victim if the victim  
      requests it?

9       **SECTION 48.** 973.015 of the statutes is renumbered 973.015 (1m), and 973.015

10      (1m) (a) 1., as renumbered, is amended to read:

11      973.015 (1m) (a) 1. Subject to ~~par. (b)~~ subd. 2. and except as provided in ~~par.~~  
12      ~~(e)~~ subd. 3., when a person is under the age of 25 at the time of the commission of an  
13      offense for which the person has been found guilty in a court for violation of a law for  
14      which the maximum period of imprisonment is 6 years or less, the court may order  
15      at the time of sentencing that the record be expunged upon successful completion of  
16      the sentence if the court determines the person will benefit and society will not be  
17      harmed by this disposition. This subsection does not apply to information  
18      maintained by the department of transportation regarding a conviction that is  
19      required to be included in a record kept under s. 343.23 (2) (a).

20      **SECTION 49.** 973.015 (2m) of the statutes is created to read:

21      973.015 (2m) At any time after a person has been convicted, adjudicated  
22      delinquent, or found not guilty by reason of mental disease or defect for a violation  
23      of s. 944.30, a court may, upon the motion of the person, vacate the conviction,

INS  
13-9

1 adjudication, or finding, or may order that the record of the violation of s. 944.30 be  
2 expunged, if all of the following apply:

3 (a) The person was a victim of trafficking for the purposes of a commercial sex  
4 act, as defined in s. 940.302 (1) (a), under s. 940.302 or 948.051 or under 22 USC 7101  
5 to 7112.

6 (b) The person committed the violation of s. 944.30 as a result of being a victim  
7 of trafficking for the purposes of a commercial sex act.

8 (c) The person submitted a motion that complies with s. 971.30, that contains  
9 a statement of facts and, if applicable, the reason the person did not previously raise  
10 an affirmative defense under s. 939.46 or allege that the violation was committed as  
11 a result of being a victim of trafficking for the purposes of a commercial sex act, and  
12 that may include any of the following:

13 1. Certified records of federal or state court proceedings.

14 2. Certified records of approval notices, law enforcement certifications, or  
15 similar documents generated from federal immigration proceedings.

16 3. Official documentation from a federal, state, or local government agency.

17 4. Other relevant and probative evidence of sufficient credibility in support of  
18 the motion.

19 (d) The person made the motion with due diligence subject to reasonable  
20 concern for the safety of himself or herself, family members, or other victims of  
21 trafficking for the purposes of a commercial sex act or subject to other reasons  
22 consistent with the safety of persons.

23 (e) A copy of the motion has been served on the office of the district attorney  
24 that prosecuted the case that resulted in the conviction, adjudication, or finding

1 except that failure to serve a copy does not deprive the court of jurisdiction and is not  
2 grounds for dismissal of the motion.

3 (f) The court in which the motion was made notified the appropriate district  
4 attorney's office of the motion and has given the district attorney's office an  
5 opportunity to respond to the motion.

6 (g) The court determines that the person will benefit and society will not be  
7 harmed by a disposition.

8 **SECTION 50.** 973.015 <sup>3</sup>(4) of the statutes is created to read:

9 973.015 <sup>3</sup>(4) A special disposition under this section is not a basis for a claim  
10 under s. 775.05.

11 **INSERT 15-10** →

11 **SECTION 51.** 973.075 (1) (a) of the statutes is amended to read:

12 973.075 (1) (a) All property, real or personal, including money, used in the  
13 course of, intended for use in the course of, or directly or indirectly derived from or  
14 realized through the commission of any crime.

15 **SECTION 52.** 973.075 (1) (b) 1m. c. of the statutes is amended to read:

16 973.075 (1) (b) 1m. c. In the commission of a crime in violation of s. 940.302,  
17 944.30 (1m), 944.31, 944.32, 944.33 or, 944.34, 948.02, 948.025, 948.05, 948.051,  
18 948.055, 948.06, 948.07, 948.08, 948.09, 948.10, 948.12, or 948.14.

19 **SECTION 53.** 973.075 (2) (intro.) of the statutes is amended to read:

20 973.075 (2) (intro.) A law enforcement officer may seize property subject to this  
21 section upon process issued by any court of record having jurisdiction over the  
22 property. Except for vehicles used in the commission of a crime in violation of s.  
23 944.30 (1m), 944.31, 944.32, 944.33 <sup>2</sup>or 944.34, <sup>INS 15-23</sup>seizure without process may be made  
24 under any of the following circumstances:

25 **SECTION 54.** 973.075 (5m) (c) (intro.) of the statutes is amended to read:

940.302<sup>5</sup>

1           973.075 **(5m)** (c) (intro.) If, by the forfeiture action deadline, a summons,  
2       complaint and affidavit have not been filed under s. 973.076 ~~(2) (a)~~ (1) (b) 1. with  
3       respect to property seized under sub. (1) (e), the prosecutor shall notify the victim,  
4       if known, by certified mail no later than 7 days after the forfeiture action deadline.  
5       The prosecutor shall then return the property to the person from whom it was seized  
6       no earlier than 60 days and no later than 90 days after the forfeiture action deadline  
7       unless one of the following applies:

8           **SECTION 55.** 973.076 (1) (title) of the statutes is created to read:

9           973.076 (1) (title) CIVIL FORFEITURES.

10          **SECTION 56.** 973.076 (1) of the statutes is renumbered 973.076 (1) (a).

11          **SECTION 57.** 973.076 (2) of the statutes is renumbered 973.076 (1) (b), and  
12       973.076 (1) (b) 3., as renumbered, is amended to read:

13               973.076 (1) (b) 3. In counties having a population of 500,000 or more, the  
14       district attorney or the corporation counsel may proceed under ~~par. (a).~~ subd. 1.

15          **SECTION 58.** 973.076 (2m) of the statutes is created to read:

16               973.076 **(2m)** CRIMINAL FORFEITURES. (a) In addition to any penalties under this  
17       chapter, the court shall, with due provision for the rights of innocent persons, order  
18       forfeiture of any property specified in s. 973.075 (1) in accordance with pars. (b), (c),  
19       and (d).

20               (b) A criminal complaint must allege the extent of property subject to forfeiture  
21       under this subsection. At trial, the court or the jury shall return a special verdict  
22       determining the extent of property, if any, that is subject to forfeiture under this  
23       subsection. When a special verdict contains a finding of property subject to a  
24       forfeiture under this subsection, a judgment of criminal forfeiture shall be entered  
25       along with the judgment of conviction under s. 972.13.



1 (c) An injured person has a right or claim to forfeited property or the proceeds  
2 derived from forfeited property under this subsection that is superior to any right or  
3 claim the state has in the property or proceeds. This paragraph does not grant the  
4 injured person priority over state claims or rights by reason of a tax lien or other basis  
5 not covered by this section or by s. 973.075 or 973.077. All rights, titles, and interest  
6 in property specified in s. 973.075 (1) vest in the state upon the commission of the act  
7 giving rise to forfeiture under this subsection.

8 (d) An injured or innocent person may petition the court for relief from the  
9 judgment of criminal forfeiture entered under par. (b) within 30 days after it is  
10 entered. The person filing the petition has the burden of satisfying or convincing to  
11 a reasonable certainty by the greater weight of the evidence that the person has a  
12 bona fide perfected security interest in the property subject to forfeiture in s. 973.075  
13 (1) or any other property subject to forfeiture in sub. (4). The court may order that  
14 a person with a bona fide perfected security interest be paid from the proceeds of the  
15 forfeiture or any other equitable relief necessary so as to do substantial justice to the  
16 person.

17 **SECTION 59. Effective dates.** This act takes effect on the day after publication,  
18 except as follows:

19 (1) The treatment of sections 51.20 (13) (cr), 165.75 (1) (am), 938.34 (15) (a) 1.,  
20 and 971.17 (1m) (a) 1. of the statutes takes effect on April 1, 2015.

21 (END)

#### **HUMAN TRAFFICKING**

Current law defines trafficking as actually, or attempting the action of, recruiting, enticing, harboring, transporting, providing, or obtaining an individual without consent of the individual. This bill eliminates the element that the individual has not consented. Also, under current law, a person who engages in trafficking for the purposes of labor, services, or a commercial sex act is guilty of a felony if the trafficking is done by any specified act, including causing or threatening to cause harm to any individual; restraining or threatening to restrain any individual; or controlling any individual's access to an addictive controlled substance. This bill adds threatening to control any individual's access to an addictive controlled substance; using any scheme, pattern, or other means to coerce, threaten, or intimidate any individual; using or threatening to use force or violence on any individual; and causing or threatening to cause any individual to do any act against the individual's will or without the individual's consent.

This bill creates a process under which an individual who has been convicted, adjudicated delinquent, or found not guilty by reason of mental disease or defect for the crime of prostitution may request a court to vacate the conviction, adjudication, or finding, or to expunge the record. An individual may follow this process if the individual was a victim of trafficking, committed the violation as a result of being a victim, and submits a statement of facts and, if applicable, the reason the individual failed previously to raise an affirmative defense or otherwise allege that the violation was a result of being a trafficking victim. The court may comply with the request if the court, after determining that the individual is qualified, notifies the prosecutor of the request, gives the prosecutor opportunity to respond, and determines that the individual will benefit and society will not be harmed.

Under current law, a person who receives compensation from the earnings of a prostitute is guilty of a Class F felony. This bill adds that a person is guilty of a Class F felony if the person knowingly receives compensation from the earnings of debt bondage or from the earnings of sexual contact or intercourse for which anything of value is given to, promised, or received by any person.

#### **SEX OFFENSES, VICTIMS OF CRIMES, AND DOMESTIC ABUSE**

Under current law, a person who, for purposes of sexual arousal or gratification, causes a child to expose genitals or pubic area or exposes genitals or pubic area to a child is, with some exceptions, guilty of a felony. This bill adds the exposure of "intimate parts," which is defined to include a breast, buttock, anus, or groin of a human being.

Under current law, if a judge receives a presentence investigation report, the judge must disclose the contents of the report to the district attorney prior to sentencing and the district attorney generally must keep the report confidential. This bill provides the victim the right to view the sentence recommendation on the presentence report and allows the district attorney to share the recommendation.

Under current law, with exceptions, evidence of other crimes, wrongs, or acts may not be admitted in a criminal proceeding to prove the person acted in character. ✓ This bill states that, in a prosecution alleging human trafficking, an offense against a child, a serious sex offense, or a crime of domestic abuse or alleging the defendant committed a crime against his or her spouse, an individual with whom the defendant cohabited, or an individual with whom the defendant has a child, evidence of similar acts is generally admissible, and is admissible regardless of whether the victim of the other act is the same as the offense that is the subject of the prosecution. ✓

Under current law, a court may place a person who has committed a serious sex offense on lifetime supervision if the court determines that such placement is necessary to protect the public. Included in the list of serious sex offenses is a violation, or the solicitation, conspiracy, or attempt to commit a violation, of a crime against life and bodily security, a crime against property, a crime against sexual morality, or a crime against a child, if the court determines that the person committed the violation for his or her sexual arousal or gratification. This bill adds to the list of serious sex offenses the violation, or the solicitation, conspiracy, or attempt to commit a violation, of a crime against reputation, privacy, and civil liberties, if the court determines that the person committed the violation for his or her sexual arousal or gratification.

This bill adds the offense of strangulation to several statutes, including to the list of offenses that render the person ineligible to participate in the intensive sanctions program, to the list of crimes for which a victim may be compensated by the Department of Justice, and to the definition of domestic abuse offense for the purpose of keeping confidential the victim's personal information on certain voting documents. ✓

Insert 7-10

\*\*\*\*NOTE: See new title to par. (a). If par. (b) gets a title, it is our drafting style to give all paragraphs a title.

**SECTION 1.** 904.04 (2) (b) (title) of the statutes is created to read:

904.04 (2) (b) *Greater latitude.*

Insert 12-17 Note

\*\*\*\*NOTE: The order varies slightly from your suggestion. I did that for two reasons: (1) the cross-reference immediately follows the right; and (2) without the cross-reference interrupting the sentence, the "to view the sentence recommendation..." could refer to make a reasonable attempt (To have the person make a reasonable attempt TO contact the victim and TO view the sentence recommendation). I know that sounds a bit absurd but to avoid any confusion or to cause the reader to have to read it twice, I did it in a different manner. Please let me know if that is not okay.

Item

1 Insert 13-9

↑ as affected by 2013 Wisconsin Act ... (Senate bill 294)

2 SECTION 2. 972.15 (4m) of the statutes is amended to read:

3 972.15 (4m) The district attorney and the defendant's attorney are entitled to  
4 have and keep a copy of the presentence investigation report. If the defendant is not  
5 represented by counsel, the defendant is entitled to view the presentence  
6 investigation report but may not keep a copy of the report. ~~A- Except as provided~~  
7 in s. 950.04 (1v) (p), a district attorney or defendant's attorney who receives a copy  
8 of the report shall keep it confidential. A defendant who views the contents of a  
9 presentence investigation report shall keep the information in the report  
10 confidential.

History: 1983 a. 102; 1987 a. 27, 227; 1991 a. 39; 1993 a. 213; 1997 a. 7, 181, 205, 283; 1999 a. 32; 2001 a. 109; 2003 a. 53; 2005 a. 311, 434; 2007 a. 20 s. 9121 (6) (a); 2007 a. 80, 97; 2011 a. 273.

^ and ^ following a conviction for a felony in which an assistant attorney general has original jurisdiction, served at the request of a district attorney under s. 978.05 (e)(b), or served as a Special prosecutor under s. 978.045, the assistant attorney general

12 Insert 15-23

Not

13 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.09,  
14 948.10, 948.12, or 948.14,

# 973.055 (1)(a) 1. ; Am

The court convicts the person of a violation of a crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21, 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.42, 940.43, 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

940.32

973.055 (1)(a) 1.

Ⓟ

INS 15-10

## Hanaman, Cathlene

---

**From:** Morouney, Lonna  
**Sent:** Monday, December 09, 2013 11:31 AM  
**To:** Hanaman, Cathlene  
**Subject:** Fwd: human trafficking

Hi Cathlene,  
Please make the following revision to the human trafficking bill draft. Thank you.  
Lonna

Sent from my iPhone

Begin forwarded message:

**From:** "Rinehart, Mark W - DOJ" <[RinehartMW@DOJ.STATE.WI.US](mailto:RinehartMW@DOJ.STATE.WI.US)>  
**Date:** December 9, 2013 at 9:30:50 AM CST  
**To:** "Morouney, Lonna" <[Lonna.Morouney@legis.wisconsin.gov](mailto:Lonna.Morouney@legis.wisconsin.gov)>  
**Subject:** human trafficking

Hi Lonna,

Thanks for the new draft. Below is an excerpt from an email from one of our attorneys with comments on the new draft. In addition, please pass along to Cathlene that we appreciate her speedy and fine work on a complex draft.

"The drafter added a title in Section 20, on page 8, of the draft. In a footnote, the drafter explained the reason for this addition. While I don't disagree with the addition of a title to section 904.02(2)(a) of the Wisconsin Statutes, the title in the current draft suggests that other acts evidence is generally inadmissible, which is not a correct statement of the law on this subject. The title also suggests that others acts only pertain to past acts, which also is not a correct statement of the law. Therefore, it is important to change this title, which can be achieved as follows:

**SECTION 20.** 904.04 (2) (a) of the statutes is amended to read:

904.04 (2) (a) General admissibility. Except as provided in par. (b) 2., evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. This subsection does not exclude the evidence when offered for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

This proposed title is similar to a title used in section 904.04(1) of the Wisconsin Statutes. I offer this proposed title in the interest of succinctly stating the law. If the drafter preferred a longer title modeled after section 904.02 of the Wisconsin Statutes, then the alternative suggestion would read as follows:

**SECTION 20.** 904.04 (2) (a) of the statutes is amended to read:

904.04 (2) (a) *Other crimes, wrongs, or acts generally admissible; propensity evidence generally inadmissible.* Except as provided in par. (b) 2., evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. This subsection does not exclude the evidence when offered for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Changing the title presented in this latest draft is important to ensure that the title corresponds to the case law. As stated above, other acts evidence is not limited to “past acts.” *See, e.g., State v. Bustamante*, 201 Wis. 2d 562, 566-68, 577, 549 N.W.2d 746 (Ct. App. 1996) (upholding the circuit court’s decision to permit the defendant’s acts toward newborn child in 1989 at a jury trial for a cold case shaken baby death from 1978). Also, the “case law in no way indicates that a circuit court should predispose itself against the admission of other crimes evidence.” *State v. Speer*, 176 Wis. 2d 1101, 1115, 501 N.W.2d 429 (1993). The Wisconsin Supreme Court noted that the statute “favors admissibility in the sense that it mandates the exclusion of other crimes evidence in only one instance: when it is offered to prove the propensity of the defendant to commit similar crimes.” *Id.*; *see also State v. Grande*, 169 Wis. 2d 422, 434, 485 N.W.2d 282, 286 (Ct. App. 1992) (noting that the rules “favor admissibility”).

I used “propensity” above because that is the term used in the *Speer* decision, which essentially is shorthand for the statutory language of “character of . . . conformity.” Although it would make for an even longer title, under the second option, “propensity” could be replaced with “character of conformity” to more closely reflect the language of the statute. This would be a third option that reads: “*Other crimes, wrongs, or acts generally admissible; character of conformity evidence generally inadmissible.*”

I present three options where all accurately state the law with the only question being balancing thoroughness with succinctness in the title. The title in the current draft contradicts the court decisions in *Speer*, *Bustamante*, *Grande*, and other decisions so making a change to this title is important to ensure that the title accurately reflects the law.”



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3538/P2  
CMH:wlj/rs

today  
please -  
only  
changes are  
on pg 8

stays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

refer cat

1 AN ACT *to renumber* 904.04 (2) (b), 944.30, 944.33 (1) and 973.076 (1); *to*  
2 *renumber and amend* 940.302 (1) (a), 944.33 (2), 944.33 (3), 973.015 and  
3 973.076 (2); *to amend* 6.47 (1) (b), 48.02 (1) (d), 48.355 (2d) (a) 2. a., 48.371 (3)  
4 (d), 48.57 (3p) (g) 3., 51.20 (13) (cr), 103.10 (1m) (b) 6., 103.34 (1) (b) 2., 165.60,  
5 165.70 (1) (b), 165.76 (1) (am), 301.048 (2) (bm) 1. a., 301.45 (1p) (a), 301.45 (7)  
6 (e) 2., 301.45 (7) (e) 3., 440.312 (2), 440.982 (2), 460.05 (1) (h) 1., 460.14 (2m) (a),  
7 904.04 (2) (a), 938.34 (15) (a) 1., 938.355 (2d) (a) 2., 938.371 (3) (d), 939.615 (1)  
8 (b) 2., 940.302 (1) (d), 940.302 (2) (a) 2. i., 940.302 (2) (a) 2. j., 940.302 (2) (b),  
9 946.82 (4), 948.051 (1), 948.07 (3), 948.10 (title), 948.10 (1) (intro.), 949.03 (1)  
10 (b), 950.04 (1v) (p), 971.17 (1m) (a) 1., 972.15 (4m), 973.055 (1) (a) 1., 973.075  
11 (1) (a), 973.075 (1) (b) 1m. c., 973.075 (2) (intro.) and 973.075 (5m) (c) (intro.);  
12 and *to create* 904.04 (2) (b) (title), 940.302 (1) (a) 1., 2. and 3., 940.302 (2) (a)  
13 2. k. and L., 944.30 (2m), 973.015 (2m), 973.015 (3), 973.076 (1) (title) and  
14 973.076 (2m) of the statutes; **relating to:** human trafficking, human



1 trafficking victims, property forfeitures, rights of victims, admitting evidence  
2 of past actions, definitions of certain offenses, and providing penalties.

---

*Analysis by the Legislative Reference Bureau*

**HUMAN TRAFFICKING**

Current law defines trafficking as actually, or attempting the action of, recruiting, enticing, harboring, transporting, providing, or obtaining an individual without consent of the individual. This bill eliminates the element that the individual has not consented. Also, under current law, a person who engages in trafficking for the purposes of labor, services, or a commercial sex act is guilty of a felony if the trafficking is done by any specified act, including causing or threatening to cause harm to any individual; restraining or threatening to restrain any individual; or controlling any individual's access to an addictive controlled substance. This bill adds threatening to control any individual's access to an addictive controlled substance; using any scheme, pattern, or other means to coerce, threaten, or intimidate any individual; using or threatening to use force or violence on any individual; and causing or threatening to cause any individual to do any act against the individual's will or without the individual's consent.

This bill creates a process under which an individual who has been convicted, adjudicated delinquent, or found not guilty by reason of mental disease or defect for the crime of prostitution may request a court to vacate the conviction, adjudication, or finding, or to expunge the record. An individual may follow this process if the individual was a victim of trafficking, committed the violation as a result of being a victim, and submits a statement of facts and, if applicable, the reason the individual failed previously to raise an affirmative defense or otherwise allege that the violation was a result of being a trafficking victim. The court may comply with the request if the court, after determining that the individual is qualified, notifies the prosecutor of the request, gives the prosecutor opportunity to respond, and determines that the individual will benefit and society will not be harmed.

Under current law, a person who receives compensation from the earnings of a prostitute is guilty of a Class F felony. This bill adds that a person is guilty of a Class F felony if the person knowingly receives compensation from the earnings of debt bondage or from the earnings of sexual contact or intercourse for which anything of value is given to, promised, or received by any person.

**SEX OFFENSES, VICTIMS OF CRIMES, AND DOMESTIC ABUSE**

Under current law, a person who, for purposes of sexual arousal or gratification, causes a child to expose genitals or pubic area or exposes genitals or pubic area to a child is, with some exceptions, guilty of a felony. This bill adds the exposure of "intimate parts," which is defined to include a breast, buttock, anus, or groin of a human being.

Under current law, if a judge receives a presentence investigation report, the judge must disclose the contents of the report to the district attorney prior to sentencing and the district attorney generally must keep the report confidential.

This bill provides the victim the right to view the sentence recommendation on the presentence report and allows the district attorney to share the recommendation.

Under current law, with exceptions, evidence of other crimes, wrongs, or acts may not be admitted in a criminal proceeding to prove the person acted in character. This bill states that, in a prosecution alleging human trafficking, an offense against a child, a serious sex offense, or a crime of domestic abuse or alleging the defendant committed a crime against his or her spouse, an individual with whom the defendant cohabited, or an individual with whom the defendant has a child, evidence of similar acts is generally admissible, and is admissible regardless of whether the victim of the other act is the same as the offense that is the subject of the prosecution.

Under current law, a court may place a person who has committed a serious sex offense on lifetime supervision if the court determines that such placement is necessary to protect the public. Included in the list of serious sex offenses is a violation, or the solicitation, conspiracy, or attempt to commit a violation, of a crime against life and bodily security, a crime against property, a crime against sexual morality, or a crime against a child, if the court determines that the person committed the violation for his or her sexual arousal or gratification. This bill adds to the list of serious sex offenses the violation, or the solicitation, conspiracy, or attempt to commit a violation, of a crime against reputation, privacy, and civil liberties, if the court determines that the person committed the violation for his or her sexual arousal or gratification.

This bill adds the offense of strangulation to several statutes, including to the list of offenses that render the person ineligible to participate in the intensive sanctions program, to the list of crimes for which a victim may be compensated by the Department of Justice, and to the definition of domestic abuse offense for the purpose of keeping confidential the victim's personal information on certain voting documents.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 6.47 (1) (b) of the statutes is amended to read:

2           6.47 (1) (b) "Offense relating to domestic abuse, sexual assault, or stalking"

3 means an offense specified in s. 940.19, 940.20 (1m), 940.201, 940.22, 940.225,

4 940.235, 940.32, 947.013, 948.02, 948.025, 948.06, 948.085, 948.09, or 948.095.

1           **SECTION 2.** 48.02 (1) (d) of the statutes is amended to read:

2           48.02 (1) (d) Permitting, allowing or encouraging a child to violate s. 944.30  
3           (1m).

4           **SECTION 3.** 48.355 (2d) (a) 2. a. of the statutes is amended to read:

5           48.355 **(2d)** (a) 2. a. A violation of s. 940.225, 944.30 (1m), 948.02, 948.025,  
6           948.05, 948.051, 948.055, 948.06, 948.085, 948.09 or 948.10.

7           **SECTION 4.** 48.371 (3) (d) of the statutes is amended to read:

8           48.371 **(3)** (d) Any involvement of the child, whether as victim or perpetrator,  
9           in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or  
10          948.085, prostitution in violation of s. 944.30 (1m), trafficking in violation of s.  
11          940.302 (2) if s. 940.302 (2) (a) 1. b. applies, sexual exploitation of a child in violation  
12          of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child to view  
13          or listen to sexual activity in violation of s. 948.055, if the information is necessary  
14          for the care of the child or for the protection of any person living in the foster home,  
15          group home, or residential care center for children and youth or in the home of the  
16          relative.

17          **SECTION 5.** 48.57 (3p) (g) 3. of the statutes is amended to read:

18          48.57 **(3p)** (g) 3. The person has been convicted of a violation of ch. 940, 944,  
19          or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63, or 948.70,  
20          or of a violation of the law of any other state or federal law that would be a violation  
21          of ch. 940, 944, or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,  
22          948.63, or 948.70, if committed in this state, except that a county department or, in  
23          a county having a population of 500,000 or more, the department may make  
24          payments to a person applying for payments under sub. (3m) and a person receiving  
25          payments under sub. (3m) may employ in a position in which the person would have

1 regular contact with the child for whom those payments are being made or permit  
2 to be an adult resident a person who has been convicted of a violation of s. 944.30  
3 (1m), 944.31, or 944.33 or of a violation of the law of any other state or federal law  
4 that would be a violation of s. 944.30 (1m), 944.31, or 944.33 if committed in this  
5 state, if that violation occurred 20 years or more before the date of the investigation.

6 **SECTION 6.** 51.20 (13) (cr) of the statutes, as affected by 2013 Wisconsin Act 20,  
7 is amended to read:

8 51.20 (13) (cr) If the subject individual is before the court on a petition filed  
9 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a  
10 violation that would be a felony if committed by an adult in this state or a violation  
11 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (~~1~~), 946.52, or  
12 948.10 (1) (b), the court shall require the individual to provide a biological specimen  
13 to the state crime laboratories for deoxyribonucleic acid analysis. The court shall  
14 inform the individual that he or she may request expungement under s. 165.77 (4).

15 **SECTION 7.** 103.10 (1m) (b) 6. of the statutes is amended to read:

16 103.10 (1m) (b) 6. "Sexual abuse" means conduct that is in violation of s.  
17 940.225, 944.30 (1m), 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.085,  
18 948.09, or 948.10 or that is in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b.  
19 applies.

20 **SECTION 8.** 103.34 (1) (b) 2. of the statutes is amended to read:

21 103.34 (1) (b) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07,  
22 940.08, 940.09, 940.10, 940.19 (2), (4), (5), or (6), 940.21, 940.225 (1), (2), or (3),  
23 940.23, 940.235, 940.24, 940.25, 940.30, 940.302, 940.305, 940.31, 943.02, 943.03,  
24 943.04, 943.10, 943.30, 943.31, 943.32, 944.32, ~~944.33 (2)~~, 944.34, 946.10, 948.02 (1)  
25 or (2), 948.025, 948.03 (2) or (3), 948.04, 948.05, 948.051, 948.055, 948.06, 948.07,

1 948.075, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30  
2 or of a substantially similar federal law or law of another state.

3 **SECTION 9.** 165.60 of the statutes is amended to read:

4 **165.60 Law enforcement.** The department of justice is authorized to enforce  
5 ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30 (1m), 944.31, 944.33, 944.34,  
6 945.02 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false  
7 statement submitted or made under s. 175.60 (7) (b) or (15) (b) 2. or as described  
8 under s. 175.60 (17) (c), to enforce s. 946.32 and is invested with the powers conferred  
9 by law upon sheriffs and municipal police officers in the performance of those duties.  
10 This section does not deprive or relieve sheriffs, constables, and other local police  
11 officers of the power and duty to enforce those sections, and those officers shall  
12 likewise enforce those sections.

13 **SECTION 10.** 165.70 (1) (b) of the statutes is amended to read:

14 165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss.  
15 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30,  
16 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075, and  
17 948.08.

18 **SECTION 11.** 165.76 (1) (am) of the statutes, as created by 2013 Wisconsin Act  
19 20, is amended to read:

20 165.76 (1) (am) Is or was adjudicated delinquent for an act that if committed  
21 by an adult in this state would be a felony or for a violation of s. 940.225 (3m), 941.20  
22 (1), 944.20, 944.30 (1m), 944.31, 944.33 (~~1~~), 946.52, or 948.10 (1) (b).

23 **SECTION 12.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

24 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195  
25 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,

1 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)  
2 or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.235, 940.285  
3 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3),  
4 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011,  
5 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43,  
6 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07,  
7 948.08, 948.085, or 948.30.

8 **SECTION 13.** 301.45 (1p) (a) of the statutes is amended to read:

9 301.45 (1p) (a) If a person is covered under sub. (1g) based solely on an order  
10 that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in connection with a  
11 delinquency adjudication or a conviction for a violation of s. 942.08 (2) (b), (c), or (d),  
12 the person is not required to comply with the reporting requirements under this  
13 section if the delinquency adjudication is expunged under s. 938.355 (4m) (b) or if the  
14 conviction is expunged under s. 973.015 (2) (1m) (b).

15 **SECTION 14.** 301.45 (7) (e) 2. of the statutes is amended to read:

16 301.45 (7) (e) 2. The department issues a certificate of discharge under s.  
17 973.015 (2) (1m) (b).

18 **SECTION 15.** 301.45 (7) (e) 3. of the statutes is amended to read:

19 301.45 (7) (e) 3. The department receives a certificate of discharge issued under  
20 s. 973.015 (2) (1m) (b) by the detaining authority.

21 **SECTION 16.** 440.312 (2) of the statutes is amended to read:

22 440.312 (2) The department may not grant a license under this subchapter to  
23 any person who has been convicted of an offense under s. 940.22, 940.225, 940.302  
24 (2) (a) 1. b., 944.06, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34,

1 948.02, 948.025, 948.051, 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10,  
2 948.11, or 948.12.

3 **SECTION 17.** 440.982 (2) of the statutes is amended to read:

4 440.982 (2) The department may not grant a license under this subchapter to  
5 any person who has been convicted of an offense under s. 940.22, 940.225, 944.06,  
6 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025,  
7 948.051, 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10, 948.11, or 948.12  
8 or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

9 **SECTION 18.** 460.05 (1) (h) 1. of the statutes is amended to read:

10 460.05 (1) (h) 1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
11 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09,  
12 948.095, or 948.10.

13 **SECTION 19.** 460.14 (2m) (a) of the statutes is amended to read:

14 460.14 (2m) (a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
15 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09,  
16 948.095, or 948.10.

17 **SECTION 20.** 904.04 (2) (a) of the statutes is amended to read:

18 904.04 (2) (a) General inadmissibility of evidence of past acts. Except as  
19 provided in par. (b) 2., evidence of other crimes, wrongs, or acts is not admissible to  
20 prove the character of a person in order to show that the person acted in conformity  
21 therewith. This subsection does not exclude the evidence when offered for other  
22 purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge,  
23 identity, or absence of mistake or accident.

\*\*\*\*NOTE: See new title to par. (a). If par. (b) gets a title, it is our drafting style to give all paragraphs a title.

1           **SECTION 21.** 904.04 (2) (b) (title) of the statutes is created to read:

2           904.04 (2) (b) *Greater latitude.*

3           **SECTION 22.** 904.04 (2) (b) of the statutes is renumbered 904.04 (2) (b) 2.

4           **SECTION 23.** 938.34 (15) (a) 1. of the statutes, as affected by 2013 Wisconsin Act  
5           20, is amended to read:

6           938.34 (15) (a) 1. If the juvenile is adjudicated delinquent on the basis of a  
7           violation that would be a felony if committed by an adult in this state or of a violation  
8           of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (1), 946.52, or  
9           948.10 (1) (b), the court shall require the juvenile to comply with the requirement  
10          under s. 165.76 (1) (am) by providing a biological specimen to the state crime  
11          laboratories for deoxyribonucleic acid analysis. The court shall inform the juvenile  
12          that he or she may request expungement under s. 165.77 (4).

13          **SECTION 24.** 938.355 (2d) (a) 2. of the statutes is amended to read:

14          938.355 (2d) (a) 2. "Sexual abuse" means a violation of s. 940.225, 944.30 (1m),  
15          948.02, 948.025, 948.05, 948.055, 948.06, 948.085, 948.09 or 948.10 or a violation of  
16          the law of any other state or federal law if that violation would be a violation of s.  
17          940.225, 944.30 (1m), 948.02, 948.025, 948.05, 948.055, 948.06, 948.085 (2), 948.09  
18          or 948.10 if committed in this state.

19          **SECTION 25.** 938.371 (3) (d) of the statutes is amended to read:

20          938.371 (3) (d) Any involvement of the juvenile, whether as victim or  
21          perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02,  
22          948.025, or 948.085, prostitution in violation of s. 944.30 (1m), sexual exploitation  
23          of a child in violation of s. 948.05, or causing a child to view or listen to sexual activity  
24          in violation of s. 948.055, if the information is necessary for the care of the juvenile



1 or for the protection of any person living in the foster home, group home, residential  
2 care center for children and youth, or juvenile correctional facility.

3 **SECTION 26.** 939.615 (1) (b) 2. of the statutes is amended to read:

4 939.615 (1) (b) 2. A violation, or the solicitation, conspiracy or attempt to  
5 commit a violation, under ch. 940, 942, 943, 944 or 948 other than a violation  
6 specified in subd. 1., if the court determines that one of the purposes for the conduct  
7 constituting the violation was for the actor's sexual arousal or gratification.

8 **SECTION 27.** 940.302 (1) (a) of the statutes is renumbered 940.302 (1) (a) (intro.)  
9 and amended to read:

10 940.302 (1) (a) (intro.) "Commercial sex act" means ~~sexual contact~~ any of the  
11 following for which anything of value is given to, promised, or received, directly or  
12 indirectly, by any person:

13 **SECTION 28.** 940.302 (1) (a) 1., 2. and 3. of the statutes are created to read:

14 940.302 (1) (a) 1. Sexual contact.

15 2. Sexual intercourse.

16 3. Except as provided in sub. (2) (c), any of the following:

17 a. Sexually explicit performance.

18 b. Any other conduct done for the purpose of sexual humiliation, degradation,  
19 arousal, or gratification.

20 **SECTION 29.** 940.302 (1) (d) of the statutes is amended to read:

21 940.302 (1) (d) "Trafficking" means recruiting, enticing, harboring,  
22 transporting, providing, or obtaining, or attempting to recruit, entice, harbor,  
23 transport, provide, or obtain, an individual ~~without consent of the individual~~.

24 **SECTION 30.** 940.302 (2) (a) 2. i. of the statutes is amended to read:

1           940.302 (2) (a) 2. i. Controlling or threatening to control any individual's access  
2   to an addictive controlled substance.

3           **SECTION 31.** 940.302 (2) (a) 2. j. of the statutes is amended to read:

4           940.302 (2) (a) 2. j. Using any scheme ~~or, pattern, or other means~~ to cause an  
5   directly or indirectly coerce, threaten, or intimidate any individual to believe that  
6   ~~any individual would suffer bodily harm, financial harm, restraint, or other harm.~~

7           **SECTION 32.** 940.302 (2) (a) 2. k. and L. of the statutes are created to read:

8           940.302 (2) (a) 2. k. Using or threatening to use force or violence on any  
9   individual.

10          L. Causing or threatening to cause any individual to do any act against the  
11   individual's will or without the individual's consent.

12          **SECTION 33.** 940.302 (2) (b) of the statutes is amended to read:

13          940.302 (2) (b) Whoever benefits in any manner from a violation of par. (a) is  
14   guilty of a Class D felony if the person knows or reasonably should have known that  
15   the benefits come from or are derived from an act or scheme described in par. (a).

16          **SECTION 34.** 944.30 of the statutes is renumbered 944.30 (1m).

17          **SECTION 35.** 944.30 (2m) of the statutes is created to read:

18          944.30 (2m) If the person under sub. (1m) has not attained the age of 18 years  
19   and if the court determines that the best interests of the person are served and  
20   society will not be harmed, the court may enter a consent decree under s. 938.32 or  
21   a deferred prosecution agreement in accordance with s. 938.245, 971.39, or 971.40.

22          **SECTION 36.** 944.33 (1) of the statutes is renumbered 944.33.

23          **SECTION 37.** 944.33 (2) of the statutes is renumbered 940.302 (2) (c) and  
24   amended to read:

1           940.302 (2) (c) ~~If the person received~~ Whoever knowingly receives  
2           compensation from the earnings of ~~the debt bondage, a prostitute, such person or a~~  
3           commercial sex act, as described in sub. (1) (a) 1. and 2., is guilty of a Class F felony.

4           **SECTION 38.** 944.33 (3) of the statutes is renumbered 904.04 (2) (b) 1. and  
5           amended to read:

6           904.04 (2) (b) 1. ~~In a prosecution under this section, it is competent for the state~~  
7           ~~to prove other criminal proceeding alleging a violation of s. 940.302 (2) or of ch. 948,~~  
8           alleging the commission of a serious sex offense, as defined in s. 939.615 (1) (b), or  
9           of domestic abuse, as defined in s. 968.075 (1) (a), or alleging an offense that,  
10          following a conviction, is subject to the surcharge in s. 973.055, evidence of any  
11          similar acts by the accused for the purpose of showing the accused's intent and  
12          disposition is admissible, and is admissible without regard to whether the victim of  
13          the crime that is the subject of the proceeding is the same as the victim of the similar  
14          act.

15          **SECTION 39.** 946.82 (4) of the statutes is amended to read:

16          946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
17          (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
18          of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,  
19          134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,  
20          221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),  
21          940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and  
22          (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g), 943.011,  
23          943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (bf) to (e),  
24          943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28, 943.30, 943.32,  
25          943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)

(bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82, 943.83, 943.84, 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32, 944.33 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12, 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76, 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

**SECTION 40.** 948.051 (1) of the statutes is amended to read:

948.051 (1) Whoever knowingly recruits, entices, provides, obtains, or harbors, or knowingly attempts to recruit, entice, provide, obtain, or harbor, any child for the purpose of commercial sex acts, as defined in s. 940.302 (1) (a), ~~or sexually explicit performance~~ is guilty of a Class C felony.

**SECTION 41.** 948.07 (3) of the statutes is amended to read:

948.07 (3) Exposing ~~a sex organ~~ genitals, pubic area, or intimate parts to the child or causing the child to expose ~~a sex organ~~ genitals, pubic area, or intimate parts in violation of s. 948.10.

**SECTION 42.** 948.10 (title) of the statutes is amended to read:

**948.10 (title)** **Exposing genitals or, pubic area, or intimate parts.**

**SECTION 43.** 948.10 (1) (intro.) of the statutes is amended to read:

948.10 (1) (intro.) Whoever, for purposes of sexual arousal or sexual gratification, causes a child to expose genitals or, pubic area, or intimate parts or exposes genitals or, pubic area, or intimate parts to a child is guilty of the following:

**SECTION 44.** 949.03 (1) (b) of the statutes is amended to read:

949.03 (1) (b) The commission or the attempt to commit any crime specified in s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.235, 940.24, 940.25, 940.285, 940.29, 940.30, 940.302 (2), 940.305, 940.31, 940.32,

941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23 (1g), 943.32, 943.81, 943.86,  
943.87, 948.02, 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.075,  
948.08, 948.085, 948.09, 948.095, 948.20, 948.30 or 948.51.

**SECTION 45.** 950.04 (1v) (p) of the statutes is amended to read:

950.04 (1v) (p) To have the person preparing a presentence investigation under  
s. 972.15 make a reasonable attempt to contact the victim, as provided in s. 972.15  
(2m), and to view the sentence recommendation and any victim information included  
on the presentence investigation report, as provided in s. 972.15 (4m).

\*\*\*\*NOTE: The order varies slightly from your suggestion. I did that for two reasons:  
(1) the cross-reference immediately follows the right; and (2) without the cross-reference  
interrupting the sentence, the “to view the sentence recommendation...” could refer to  
“make a reasonable attempt” (To have the person make a reasonable attempt TO contact  
the victim and TO view the sentence recommendation). I know that item 2 sounds a bit  
absurd but to avoid any confusion or to cause the reader to have to read it twice, I did it  
in a different manner. Please let me know if that is not okay.

**SECTION 46.** 971.17 (1m) (a) 1. of the statutes, as affected by 2013 Wisconsin  
Act 20, is amended to read:

971.17 (1m) (a) 1. If the defendant under sub. (1) is found not guilty by reason  
of mental disease or defect for a felony or a violation of s. 165.765 (1), 2011 stats., or  
of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (1), 946.52, or  
948.10 (1) (b), the court shall require the person to provide a biological specimen to  
the state crime laboratories for deoxyribonucleic acid analysis. The judge shall  
inform the person that he or she may request expungement under s. 165.77 (4).

**SECTION 47.** 972.15 (4m) of the statutes, as affected by 2013 Wisconsin Act ....  
(Senate Bill 294), is amended to read:

972.15 (4m) The district attorney, the defendant’s attorney, and, following a  
conviction for a felony in which an assistant attorney general has original  
jurisdiction, served at the request of a district attorney under s. 978.05 (8) (b), or

1 served as a special prosecutor under s. 978.045, the assistant attorney general are  
2 entitled to have and keep a copy of the presentence investigation report. If the  
3 defendant is not represented by counsel, the defendant is entitled to view the  
4 presentence investigation report but may not keep a copy of the report. ~~A~~ Except  
5 as provided in s. 950.04 (1v) (p), a district attorney or defendant's attorney who  
6 receives a copy of the report shall keep it confidential. A defendant who views the  
7 contents of a presentence investigation report shall keep the information in the  
8 report confidential.

9 **SECTION 48.** 973.015 of the statutes is renumbered 973.015 (1m), and 973.015  
10 (1m) (a) 1., as renumbered, is amended to read:

11 973.015 (1m) (a) 1. Subject to ~~par. (b)~~ subd. 2. and except as provided in ~~par.~~  
12 ~~(e)~~ subd. 3., when a person is under the age of 25 at the time of the commission of an  
13 offense for which the person has been found guilty in a court for violation of a law for  
14 which the maximum period of imprisonment is 6 years or less, the court may order  
15 at the time of sentencing that the record be expunged upon successful completion of  
16 the sentence if the court determines the person will benefit and society will not be  
17 harmed by this disposition. This subsection does not apply to information  
18 maintained by the department of transportation regarding a conviction that is  
19 required to be included in a record kept under s. 343.23 (2) (a).

20 **SECTION 49.** 973.015 (2m) of the statutes is created to read:

21 973.015 (2m) At any time after a person has been convicted, adjudicated  
22 delinquent, or found not guilty by reason of mental disease or defect for a violation  
23 of s. 944.30, a court may, upon the motion of the person, vacate the conviction,  
24 adjudication, or finding, or may order that the record of the violation of s. 944.30 be  
25 expunged, if all of the following apply:

1 (a) The person was a victim of trafficking for the purposes of a commercial sex  
2 act, as defined in s. 940.302 (1) (a), under s. 940.302 or 948.051 or under 22 USC 7101  
3 to 7112.

4 (b) The person committed the violation of s. 944.30 as a result of being a victim  
5 of trafficking for the purposes of a commercial sex act.

6 (c) The person submitted a motion that complies with s. 971.30, that contains  
7 a statement of facts and, if applicable, the reason the person did not previously raise  
8 an affirmative defense under s. 939.46 or allege that the violation was committed as  
9 a result of being a victim of trafficking for the purposes of a commercial sex act, and  
10 that may include any of the following:

- 11 1. Certified records of federal or state court proceedings.
- 12 2. Certified records of approval notices, law enforcement certifications, or  
13 similar documents generated from federal immigration proceedings.
- 14 3. Official documentation from a federal, state, or local government agency.
- 15 4. Other relevant and probative evidence of sufficient credibility in support of  
16 the motion.

17 (d) The person made the motion with due diligence subject to reasonable  
18 concern for the safety of himself or herself, family members, or other victims of  
19 trafficking for the purposes of a commercial sex act or subject to other reasons  
20 consistent with the safety of persons.

21 (e) A copy of the motion has been served on the office of the district attorney  
22 that prosecuted the case that resulted in the conviction, adjudication, or finding  
23 except that failure to serve a copy does not deprive the court of jurisdiction and is not  
24 grounds for dismissal of the motion.

1 (f) The court in which the motion was made notified the appropriate district  
2 attorney's office of the motion and has given the district attorney's office an  
3 opportunity to respond to the motion.

4 (g) The court determines that the person will benefit and society will not be  
5 harmed by a disposition.

6 **SECTION 50.** 973.015 (3) of the statutes is created to read:

7 973.015 (3) A special disposition under this section is not a basis for a claim  
8 under s. 775.05.

9 **SECTION 51.** 973.055 (1) (a) 1. of the statutes is amended to read:

10 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified  
11 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,  
12 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.32, 940.42, 940.43,  
13 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,  
14 947.01 (1), 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201,  
15 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or  
16 947.0125; and

17 **SECTION 52.** 973.075 (1) (a) of the statutes is amended to read:

18 973.075 (1) (a) All property, real or personal, including money, used in the  
19 course of, intended for use in the course of, or directly or indirectly derived from or  
20 realized through the commission of any crime.

21 **SECTION 53.** 973.075 (1) (b) 1m. c. of the statutes is amended to read:

22 973.075 (1) (b) 1m. c. In the commission of a crime in violation of s. 940.302,  
23 944.30 (1m), 944.31, 944.32, 944.33 or, 944.34, 948.02, 948.025, 948.05, 948.051,  
24 948.055, 948.06, 948.07, 948.08, 948.09, 948.10, 948.12, or 948.14.

25 **SECTION 54.** 973.075 (2) (intro.) of the statutes is amended to read:



1           973.075 (2) (intro.) A law enforcement officer may seize property subject to this  
2 section upon process issued by any court of record having jurisdiction over the  
3 property. Except for vehicles used in the commission of a crime in violation of s.  
4 940.302, 944.30 (1m), 944.31, 944.32, 944.33 or, 944.34, 948.02, 948.025, 948.05,  
5 948.051, 948.055, 948.06, 948.07, 948.08, 948.09, 948.10, 948.12, or 948.14, seizure  
6 without process may be made under any of the following circumstances:

7           **SECTION 55.** 973.075 (5m) (c) (intro.) of the statutes is amended to read:

8           973.075 (5m) (c) (intro.) If, by the forfeiture action deadline, a summons,  
9 complaint and affidavit have not been filed under s. 973.076 (2) (a) (1) (b) 1. with  
10 respect to property seized under sub. (1) (e), the prosecutor shall notify the victim,  
11 if known, by certified mail no later than 7 days after the forfeiture action deadline.  
12 The prosecutor shall then return the property to the person from whom it was seized  
13 no earlier than 60 days and no later than 90 days after the forfeiture action deadline  
14 unless one of the following applies:

15           **SECTION 56.** 973.076 (1) (title) of the statutes is created to read:

16           973.076 (1) (title) CIVIL FORFEITURES.

17           **SECTION 57.** 973.076 (1) of the statutes is renumbered 973.076 (1) (a).

18           **SECTION 58.** 973.076 (2) of the statutes is renumbered 973.076 (1) (b), and  
19 973.076 (1) (b) 3., as renumbered, is amended to read:

20           973.076 (1) (b) 3. In counties having a population of 500,000 or more, the  
21 district attorney or the corporation counsel may proceed under ~~par. (a).~~ subd. 1.

22           **SECTION 59.** 973.076 (2m) of the statutes is created to read:

23           973.076 (2m) CRIMINAL FORFEITURES. (a) In addition to any penalties under this  
24 chapter, the court shall, with due provision for the rights of innocent persons, order

1 forfeiture of any property specified in s. 973.075 (1) in accordance with pars. (b), (c),  
2 and (d).

3 (b) A criminal complaint must allege the extent of property subject to forfeiture  
4 under this subsection. At trial, the court or the jury shall return a special verdict  
5 determining the extent of property, if any, that is subject to forfeiture under this  
6 subsection. When a special verdict contains a finding of property subject to a  
7 forfeiture under this subsection, a judgment of criminal forfeiture shall be entered  
8 along with the judgment of conviction under s. 972.13.

9 (c) An injured person has a right or claim to forfeited property or the proceeds  
10 derived from forfeited property under this subsection that is superior to any right or  
11 claim the state has in the property or proceeds. This paragraph does not grant the  
12 injured person priority over state claims or rights by reason of a tax lien or other basis  
13 not covered by this section or by s. 973.075 or 973.077. All rights, titles, and interest  
14 in property specified in s. 973.075 (1) vest in the state upon the commission of the act  
15 giving rise to forfeiture under this subsection.

16 (d) An injured or innocent person may petition the court for relief from the  
17 judgment of criminal forfeiture entered under par. (b) within 30 days after it is  
18 entered. The person filing the petition has the burden of satisfying or convincing to  
19 a reasonable certainty by the greater weight of the evidence that the person has a  
20 bona fide perfected security interest in the property subject to forfeiture in s. 973.075  
21 (1) or any other property subject to forfeiture in sub. (4). The court may order that  
22 a person with a bona fide perfected security interest be paid from the proceeds of the  
23 forfeiture or any other equitable relief necessary so as to do substantial justice to the  
24 person.

**SECTION 60. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 51.20 (13) (cr), 165.76 (1) (am), 938.34 (15) (a) 1., and 971.17 (1m) (a) 1. of the statutes takes effect on April 1, 2015.

**(END)**

## Hanaman, Cathlene

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**From:** Morouney, Lonna  
**Sent:** Monday, January 06, 2014 1:09 PM  
**To:** Hanaman, Cathlene  
**Cc:** Loudenbeck, Amy  
**Subject:** FW: Draft review: LRB -3538/P3 Topic: Human trafficking changes  
**Attachments:** 13-3538/P3.pdf

Hi Cathlene,

Would you please have the bill jacketed for us? Sen. Petrowski's office will also be requesting a senate version jacketed.  
Thank you,

Lonna

Lonna Morouney  
Committee Clerk for Assembly Committee on Workforce Development  
Office of Representative Amy Loudenbeck  
31<sup>st</sup> Assembly District

Office 209 North  
PO Box 8952  
Madison, WI 53708  
608-266-9967 Toll free: (888) 529-0031  
[Lonna.morouney@legis.wi.gov](mailto:Lonna.morouney@legis.wi.gov)

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**From:** Rep.Loudenbeck  
**Sent:** Monday, December 09, 2013 3:17 PM  
**To:** Morouney, Lonna; Loudenbeck, Amy  
**Subject:** FW: Draft review: LRB -3538/P3 Topic: Human trafficking changes

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**From:** LRB.Legal  
**Sent:** Monday, December 09, 2013 2:56 PM  
**To:** Rep.Loudenbeck  
**Subject:** Draft review: LRB -3538/P3 Topic: Human trafficking changes

**Following is the PDF version of draft LRB -3538/P3.**



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3538/PS  
CMH:wlj/jm

today  
no changes  
except  
P. 14.

Stays

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Refer car

1 AN ACT *to renumber* 904.04 (2) (b), 944.30, 944.33 (1) and 973.076 (1); *to*  
2 *renumber and amend* 940.302 (1) (a), 944.33 (2), 944.33 (3), 973.015 and  
3 973.076 (2); *to amend* 6.47 (1) (b), 48.02 (1) (d), 48.355 (2d) (a) 2. a., 48.371 (3)  
4 (d), 48.57 (3p) (g) 3., 51.20 (13) (cr), 103.10 (1m) (b) 6., 103.34 (1) (b) 2., 165.60,  
5 165.70 (1) (b), 165.76 (1) (am), 301.048 (2) (bm) 1. a., 301.45 (1p) (a), 301.45 (7)  
6 (e) 2., 301.45 (7) (e) 3., 440.312 (2), 440.982 (2), 460.05 (1) (h) 1., 460.14 (2m) (a),  
7 904.04 (2) (a), 938.34 (15) (a) 1., 938.355 (2d) (a) 2., 938.371 (3) (d), 939.615 (1)  
8 (b) 2., 940.302 (1) (d), 940.302 (2) (a) 2. i., 940.302 (2) (a) 2. j., 940.302 (2) (b),  
9 946.82 (4), 948.051 (1), 948.07 (3), 948.10 (title), 948.10 (1) (intro.), 949.03 (1)  
10 (b), 950.04 (1v) (p), 971.17 (1m) (a) 1., 972.15 (4m), 973.055 (1) (a) 1., 973.075  
11 (1) (a), 973.075 (1) (b) 1m. c., 973.075 (2) (intro.) and 973.075 (5m) (c) (intro.);  
12 and *to create* 904.04 (2) (b) (title), 940.302 (1) (a) 1., 2. and 3., 940.302 (2) (a)  
13 2. k. and L., 944.30 (2m), 973.015 (2m), 973.015 (3), 973.076 (1) (title) and  
14 973.076 (2m) of the statutes; **relating to:** human trafficking, human

- 1           trafficking victims, property forfeitures, rights of victims, admitting evidence  
2           of past actions, definitions of certain offenses, and providing penalties.
- 

***Analysis by the Legislative Reference Bureau***

**HUMAN TRAFFICKING**

Current law defines trafficking as actually, or attempting the action of, recruiting, enticing, harboring, transporting, providing, or obtaining an individual without consent of the individual. This bill eliminates the element that the individual has not consented. Also, under current law, a person who engages in trafficking for the purposes of labor, services, or a commercial sex act is guilty of a felony if the trafficking is done by any specified act, including causing or threatening to cause harm to any individual; restraining or threatening to restrain any individual; or controlling any individual's access to an addictive controlled substance. This bill adds threatening to control any individual's access to an addictive controlled substance; using any scheme, pattern, or other means to coerce, threaten, or intimidate any individual; using or threatening to use force or violence on any individual; and causing or threatening to cause any individual to do any act against the individual's will or without the individual's consent.

This bill creates a process under which an individual who has been convicted, adjudicated delinquent, or found not guilty by reason of mental disease or defect for the crime of prostitution may request a court to vacate the conviction, adjudication, or finding, or to expunge the record. An individual may follow this process if the individual was a victim of trafficking, committed the violation as a result of being a victim, and submits a statement of facts and, if applicable, the reason the individual failed previously to raise an affirmative defense or otherwise allege that the violation was a result of being a trafficking victim. The court may comply with the request if the court, after determining that the individual is qualified, notifies the prosecutor of the request, gives the prosecutor opportunity to respond, and determines that the individual will benefit and society will not be harmed.

Under current law, a person who receives compensation from the earnings of a prostitute is guilty of a Class F felony. This bill adds that a person is guilty of a Class F felony if the person knowingly receives compensation from the earnings of debt bondage or from the earnings of sexual contact or intercourse for which anything of value is given to, promised, or received by any person.

**SEX OFFENSES, VICTIMS OF CRIMES, AND DOMESTIC ABUSE**

Under current law, a person who, for purposes of sexual arousal or gratification, causes a child to expose genitals or pubic area or exposes genitals or pubic area to a child is, with some exceptions, guilty of a felony. This bill adds the exposure of "intimate parts," which is defined to include a breast, buttock, anus, or groin of a human being.

Under current law, if a judge receives a presentence investigation report, the judge must disclose the contents of the report to the district attorney prior to sentencing and the district attorney generally must keep the report confidential.

This bill provides the victim the right to view the sentence recommendation on the presentence report and allows the district attorney to share the recommendation.

Under current law, with exceptions, evidence of other crimes, wrongs, or acts may not be admitted in a criminal proceeding to prove the person acted in character. This bill states that, in a prosecution alleging human trafficking, an offense against a child, a serious sex offense, or a crime of domestic abuse or alleging the defendant committed a crime against his or her spouse, an individual with whom the defendant cohabited, or an individual with whom the defendant has a child, evidence of similar acts is generally admissible, and is admissible regardless of whether the victim of the other act is the same as the offense that is the subject of the prosecution.

Under current law, a court may place a person who has committed a serious sex offense on lifetime supervision if the court determines that such placement is necessary to protect the public. Included in the list of serious sex offenses is a violation, or the solicitation, conspiracy, or attempt to commit a violation, of a crime against life and bodily security, a crime against property, a crime against sexual morality, or a crime against a child, if the court determines that the person committed the violation for his or her sexual arousal or gratification. This bill adds to the list of serious sex offenses the violation, or the solicitation, conspiracy, or attempt to commit a violation, of a crime against reputation, privacy, and civil liberties, if the court determines that the person committed the violation for his or her sexual arousal or gratification.

This bill adds the offense of strangulation to several statutes, including to the list of offenses that render the person ineligible to participate in the intensive sanctions program, to the list of crimes for which a victim may be compensated by the Department of Justice, and to the definition of domestic abuse offense for the purpose of keeping confidential the victim's personal information on certain voting documents.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 1           **SECTION 1.** 6.47 (1) (b) of the statutes is amended to read:
- 2           6.47 (1) (b) "Offense relating to domestic abuse, sexual assault, or stalking"
- 3 means an offense specified in s. 940.19, 940.20 (1m), 940.201, 940.22, 940.225,
- 4 940.235, 940.32, 947.013, 948.02, 948.025, 948.06, 948.085, 948.09, or 948.095.

1           **SECTION 2.** 48.02 (1) (d) of the statutes is amended to read:

2           48.02 (1) (d) Permitting, allowing or encouraging a child to violate s. 944.30  
3           (1m).

4           **SECTION 3.** 48.355 (2d) (a) 2. a. of the statutes is amended to read:

5           48.355 (2d) (a) 2. a. A violation of s. 940.225, 944.30 (1m), 948.02, 948.025,  
6           948.05, 948.051, 948.055, 948.06, 948.085, 948.09 or 948.10.

7           **SECTION 4.** 48.371 (3) (d) of the statutes is amended to read:

8           48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator,  
9           in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or  
10          948.085, prostitution in violation of s. 944.30 (1m), trafficking in violation of s.  
11          940.302 (2) if s. 940.302 (2) (a) 1. b. applies, sexual exploitation of a child in violation  
12          of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child to view  
13          or listen to sexual activity in violation of s. 948.055, if the information is necessary  
14          for the care of the child or for the protection of any person living in the foster home,  
15          group home, or residential care center for children and youth or in the home of the  
16          relative.

17          **SECTION 5.** 48.57 (3p) (g) 3. of the statutes is amended to read:

18          48.57 (3p) (g) 3. The person has been convicted of a violation of ch. 940, 944,  
19          or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63, or 948.70,  
20          or of a violation of the law of any other state or federal law that would be a violation  
21          of ch. 940, 944, or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,  
22          948.63, or 948.70, if committed in this state, except that a county department or, in  
23          a county having a population of 500,000 or more, the department may make  
24          payments to a person applying for payments under sub. (3m) and a person receiving  
25          payments under sub. (3m) may employ in a position in which the person would have



1 regular contact with the child for whom those payments are being made or permit  
2 to be an adult resident a person who has been convicted of a violation of s. 944.30  
3 (1m), 944.31, or 944.33 or of a violation of the law of any other state or federal law  
4 that would be a violation of s. 944.30 (1m), 944.31, or 944.33 if committed in this  
5 state, if that violation occurred 20 years or more before the date of the investigation.

6 **SECTION 6.** 51.20 (13) (cr) of the statutes, as affected by 2013 Wisconsin Act 20,  
7 is amended to read:

8 51.20 (13) (cr) If the subject individual is before the court on a petition filed  
9 under a court order under s. 938.30 (5) (c) 1. and is found to have committed a  
10 violation that would be a felony if committed by an adult in this state or a violation  
11 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 ~~(1)~~, 946.52, or  
12 948.10 (1) (b), the court shall require the individual to provide a biological specimen  
13 to the state crime laboratories for deoxyribonucleic acid analysis. The court shall  
14 inform the individual that he or she may request expungement under s. 165.77 (4).

15 **SECTION 7.** 103.10 (1m) (b) 6. of the statutes is amended to read:

16 103.10 (1m) (b) 6. “Sexual abuse” means conduct that is in violation of s.  
17 940.225, 944.30 (1m), 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.085,  
18 948.09, or 948.10 or that is in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b.  
19 applies.

20 **SECTION 8.** 103.34 (1) (b) 2. of the statutes is amended to read:

21 103.34 (1) (b) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07,  
22 940.08, 940.09, 940.10, 940.19 (2), (4), (5), or (6), 940.21, 940.225 (1), (2), or (3),  
23 940.23, 940.235, 940.24, 940.25, 940.30, 940.302, 940.305, 940.31, 943.02, 943.03,  
24 943.04, 943.10, 943.30, 943.31, 943.32, 944.32, ~~944.33 (2)~~, 944.34, 946.10, 948.02 (1)  
25 or (2), 948.025, 948.03 (2) or (3), 948.04, 948.05, 948.051, 948.055, 948.06, 948.07,

1 948.075, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30  
2 or of a substantially similar federal law or law of another state.

3 **SECTION 9.** 165.60 of the statutes is amended to read:

4 **165.60 Law enforcement.** The department of justice is authorized to enforce  
5 ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30 (1m), 944.31, 944.33, 944.34,  
6 945.02 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false  
7 statement submitted or made under s. 175.60 (7) (b) or (15) (b) 2. or as described  
8 under s. 175.60 (17) (c), to enforce s. 946.32 and is invested with the powers conferred  
9 by law upon sheriffs and municipal police officers in the performance of those duties.  
10 This section does not deprive or relieve sheriffs, constables, and other local police  
11 officers of the power and duty to enforce those sections, and those officers shall  
12 likewise enforce those sections.

13 **SECTION 10.** 165.70 (1) (b) of the statutes is amended to read:

14 165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss.  
15 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30,  
16 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075, and  
17 948.08.

18 **SECTION 11.** 165.76 (1) (am) of the statutes, as created by 2013 Wisconsin Act  
19 20, is amended to read:

20 165.76 (1) (am) Is or was adjudicated delinquent for an act that if committed  
21 by an adult in this state would be a felony or for a violation of s. 940.225 (3m), 941.20  
22 (1), 944.20, 944.30 (1m), 944.31, 944.33 (~~1~~), 946.52, or 948.10 (1) (b).

23 **SECTION 12.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

24 301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195  
25 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,

1 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)  
2 or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.235, 940.285  
3 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3),  
4 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011,  
5 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43,  
6 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07,  
7 948.08, 948.085, or 948.30.

8 **SECTION 13.** 301.45 (1p) (a) of the statutes is amended to read:

9 301.45 (1p) (a) If a person is covered under sub. (1g) based solely on an order  
10 that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in connection with a  
11 delinquency adjudication or a conviction for a violation of s. 942.08 (2) (b), (c), or (d),  
12 the person is not required to comply with the reporting requirements under this  
13 section if the delinquency adjudication is expunged under s. 938.355 (4m) (b) or if the  
14 conviction is expunged under s. 973.015 ~~(2)~~ (1m) (b).

15 **SECTION 14.** 301.45 (7) (e) 2. of the statutes is amended to read:

16 301.45 (7) (e) 2. The department issues a certificate of discharge under s.  
17 973.015 ~~(2)~~ (1m) (b).

18 **SECTION 15.** 301.45 (7) (e) 3. of the statutes is amended to read:

19 301.45 (7) (e) 3. The department receives a certificate of discharge issued under  
20 s. 973.015 ~~(2)~~ (1m) (b) by the detaining authority.

21 **SECTION 16.** 440.312 (2) of the statutes is amended to read:

22 440.312 (2) The department may not grant a license under this subchapter to  
23 any person who has been convicted of an offense under s. 940.22, 940.225, 940.302  
24 (2) (a) 1. b., 944.06, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34,

1 948.02, 948.025, 948.051, 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10,  
2 948.11, or 948.12.

3 **SECTION 17.** 440.982 (2) of the statutes is amended to read:

4 440.982 (2) The department may not grant a license under this subchapter to  
5 any person who has been convicted of an offense under s. 940.22, 940.225, 944.06,  
6 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025,  
7 948.051, 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10, 948.11, or 948.12  
8 or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

9 **SECTION 18.** 460.05 (1) (h) 1. of the statutes is amended to read:

10 460.05 (1) (h) 1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
11 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09,  
12 948.095, or 948.10.

13 **SECTION 19.** 460.14 (2m) (a) of the statutes is amended to read:

14 460.14 (2m) (a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
15 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09,  
16 948.095, or 948.10.

17 **SECTION 20.** 904.04 (2) (a) of the statutes is amended to read:

18 904.04 (2) (a) General admissibility. Except as provided in par. (b) 2, evidence  
19 of other crimes, wrongs, or acts is not admissible to prove the character of a person  
20 in order to show that the person acted in conformity therewith. This subsection does  
21 not exclude the evidence when offered for other purposes, such as proof of motive,  
22 opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or  
23 accident.

24 **SECTION 21.** 904.04 (2) (b) (title) of the statutes is created to read:

25 904.04 (2) (b) *Greater latitude.*

1           **SECTION 22.** 904.04 (2) (b) of the statutes is renumbered 904.04 (2) (b) 2.

2           **SECTION 23.** 938.34 (15) (a) 1. of the statutes, as affected by 2013 Wisconsin Act  
3 20, is amended to read:

4           938.34 (15) (a) 1. If the juvenile is adjudicated delinquent on the basis of a  
5 violation that would be a felony if committed by an adult in this state or of a violation  
6 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (~~1~~), 946.52, or  
7 948.10 (1) (b), the court shall require the juvenile to comply with the requirement  
8 under s. 165.76 (1) (am) by providing a biological specimen to the state crime  
9 laboratories for deoxyribonucleic acid analysis. The court shall inform the juvenile  
10 that he or she may request expungement under s. 165.77 (4).

11           **SECTION 24.** 938.355 (2d) (a) 2. of the statutes is amended to read:

12           938.355 (2d) (a) 2. “Sexual abuse” means a violation of s. 940.225, 944.30 (1m),  
13 948.02, 948.025, 948.05, 948.055, 948.06, 948.085, 948.09 or 948.10 or a violation of  
14 the law of any other state or federal law if that violation would be a violation of s.  
15 940.225, 944.30 (1m), 948.02, 948.025, 948.05, 948.055, 948.06, 948.085 (2), 948.09  
16 or 948.10 if committed in this state.

17           **SECTION 25.** 938.371 (3) (d) of the statutes is amended to read:

18           938.371 (3) (d) Any involvement of the juvenile, whether as victim or  
19 perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02,  
20 948.025, or 948.085, prostitution in violation of s. 944.30 (1m), sexual exploitation  
21 of a child in violation of s. 948.05, or causing a child to view or listen to sexual activity  
22 in violation of s. 948.055, if the information is necessary for the care of the juvenile  
23 or for the protection of any person living in the foster home, group home, residential  
24 care center for children and youth, or juvenile correctional facility.

25           **SECTION 26.** 939.615 (1) (b) 2. of the statutes is amended to read:

1           939.615 (1) (b) 2. A violation, or the solicitation, conspiracy or attempt to  
2           commit a violation, under ch. 940, 942, 943, 944 or 948 other than a violation  
3           specified in subd. 1., if the court determines that one of the purposes for the conduct  
4           constituting the violation was for the actor's sexual arousal or gratification.

5           **SECTION 27.** 940.302 (1) (a) of the statutes is renumbered 940.302 (1) (a) (intro.)  
6           and amended to read:

7           940.302 (1) (a) (intro.) "Commercial sex act" means ~~sexual contact~~ any of the  
8           following for which anything of value is given to, promised, or received, directly or  
9           indirectly, by any person:

10          **SECTION 28.** 940.302 (1) (a) 1., 2. and 3. of the statutes are created to read:

11          940.302 (1) (a) 1. Sexual contact.

12          2. Sexual intercourse.

13          3. Except as provided in sub. (2) (c), any of the following:

14          a. Sexually explicit performance.

15          b. Any other conduct done for the purpose of sexual humiliation, degradation,  
16          arousal, or gratification.

17          **SECTION 29.** 940.302 (1) (d) of the statutes is amended to read:

18          940.302 (1) (d) "Trafficking" means recruiting, enticing, harboring,  
19          transporting, providing, or obtaining, or attempting to recruit, entice, harbor,  
20          transport, provide, or obtain, an individual ~~without consent of the individual~~.

21          **SECTION 30.** 940.302 (2) (a) 2. i. of the statutes is amended to read:

22          940.302 (2) (a) 2. i. Controlling or threatening to control any individual's access  
23          to an addictive controlled substance.

24          **SECTION 31.** 940.302 (2) (a) 2. j. of the statutes is amended to read:

1           940.302 (2) (a) 2. j. ~~Using any scheme or, pattern, or other means to cause an~~  
2           ~~directly or indirectly coerce, threaten, or intimidate any individual to believe that~~  
3           ~~any individual would suffer bodily harm, financial harm, restraint, or other harm.~~

4           **SECTION 32.** 940.302 (2) (a) 2. k. and L. of the statutes are created to read:

5           940.302 (2) (a) 2. k. Using or threatening to use force or violence on any  
6           individual.

7           L. Causing or threatening to cause any individual to do any act against the  
8           individual's will or without the individual's consent.

9           **SECTION 33.** 940.302 (2) (b) of the statutes is amended to read:

10          940.302 (2) (b) Whoever benefits in any manner from a violation of par. (a) is  
11          guilty of a Class D felony if the person knows or reasonably should have known that  
12          the benefits come from or are derived from an act or scheme described in par. (a).

13          **SECTION 34.** 944.30 of the statutes is renumbered 944.30 (1m).

14          **SECTION 35.** 944.30 (2m) of the statutes is created to read:

15          944.30 (2m) If the person under sub. (1m) has not attained the age of 18 years  
16          and if the court determines that the best interests of the person are served and  
17          society will not be harmed, the court may enter a consent decree under s. 938.32 or  
18          a deferred prosecution agreement in accordance with s. 938.245, 971.39, or 971.40.

19          **SECTION 36.** 944.33 (1) of the statutes is renumbered 944.33.

20          **SECTION 37.** 944.33 (2) of the statutes is renumbered 940.302 (2) (c) and  
21          amended to read:

22          940.302 (2) (c) ~~If the person received~~ Whoever knowingly receives  
23          compensation from the earnings of the debt bondage, a prostitute, such person or a  
24          commercial sex act, as described in sub. (1) (a) 1. and 2., is guilty of a Class F felony.

1           **SECTION 38.** 944.33 (3) of the statutes is renumbered 904.04 (2) (b) 1. and  
2 amended to read:

3           904.04 (2) (b) 1. In a prosecution under this section, it is competent for the state  
4 to prove other criminal proceeding alleging a violation of s. 940.302 (2) or of ch. 948,  
5 alleging the commission of a serious sex offense, as defined in s. 939.615 (1) (b), or  
6 of domestic abuse, as defined in s. 968.075 (1) (a), or alleging an offense that,  
7 following a conviction, is subject to the surcharge in s. 973.055, evidence of any  
8 similar acts by the accused for the purpose of showing the accused's intent and  
9 disposition is admissible, and is admissible without regard to whether the victim of  
10 the crime that is the subject of the proceeding is the same as the victim of the similar  
11 act.

12           **SECTION 39.** 946.82 (4) of the statutes is amended to read:

13           946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
14 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
15 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,  
16 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,  
17 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),  
18 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and  
19 (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g), 943.011,  
20 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (bf) to (e),  
21 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28, 943.30, 943.32,  
22 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)  
23 (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82, 943.83, 943.84,  
24 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32, 944.33  
25 (2), 944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,



946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,  
946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

**SECTION 40.** 948.051 (1) of the statutes is amended to read:

948.051 (1) Whoever knowingly recruits, entices, provides, obtains, or harbors,  
or knowingly attempts to recruit, entice, provide, obtain, or harbor, any child for the  
purpose of commercial sex acts, as defined in s. 940.302 (1) (a), ~~or sexually explicit~~  
~~performance~~ is guilty of a Class C felony.

**SECTION 41.** 948.07 (3) of the statutes is amended to read:

948.07 (3) Exposing ~~a sex organ~~ genitals, pubic area, or intimate parts to the  
child or causing the child to expose ~~a sex organ~~ genitals, pubic area, or intimate parts  
in violation of s. 948.10.

**SECTION 42.** 948.10 (title) of the statutes is amended to read:

**948.10 (title)** **Exposing genitals ~~or~~, pubic area, or intimate parts.**

**SECTION 43.** 948.10 (1) (intro.) of the statutes is amended to read:

948.10 (1) (intro.) Whoever, for purposes of sexual arousal or sexual  
gratification, causes a child to expose genitals ~~or~~, pubic area, or intimate parts or  
exposes genitals ~~or~~, pubic area, or intimate parts to a child is guilty of the following:

**SECTION 44.** 949.03 (1) (b) of the statutes is amended to read:

949.03 (1) (b) The commission or the attempt to commit any crime specified in  
s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,  
940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.235,  
940.24, 940.25, 940.285, 940.29, 940.30, 940.302 (2), 940.305, 940.31, 940.32,  
941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23 (1g), 943.32, 943.81, 943.86,  
943.87, 948.02, 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.075,  
948.08, 948.085, 948.09, 948.095, 948.20, 948.30 or 948.51.

1       **SECTION 45.** 950.04 (1v) (p) of the statutes is amended to read:

2       950.04 (1v) (p) To have the person preparing a presentence investigation under  
3       s. 972.15 make a reasonable attempt to contact the victim, as provided in s. 972.15  
4       (2m), and to view the sentence recommendation and any victim information included  
5       on the presentence investigation report, as provided in s. 972.15 (4m).

\*\*\*\*NOTE: The order varies slightly from your suggestion. I did that for two reasons:  
(1) the cross-reference immediately follows the right; and (2) without the cross-reference  
interrupting the sentence, the "to view the sentence recommendation..." could refer to  
"make a reasonable attempt" (To have the person make a reasonable attempt TO contact  
the victim and TO view the sentence recommendation). I know that item 2 sounds a bit  
absurd but to avoid any confusion or to cause the reader to have to read it twice, I did it  
in a different manner. Please let me know if that is not okay.

6       **SECTION 46.** 971.17 (1m) (a) 1. of the statutes, as affected by 2013 Wisconsin  
7       Act 20, is amended to read:

8       971.17 (1m) (a) 1. If the defendant under sub. (1) is found not guilty by reason  
9       of mental disease or defect for a felony or a violation of s. 165.765 (1), 2011 stats., or  
10      of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (1), 946.52, or  
11      948.10 (1) (b), the court shall require the person to provide a biological specimen to  
12      the state crime laboratories for deoxyribonucleic acid analysis. The judge shall  
13      inform the person that he or she may request expungement under s. 165.77 (4).

14      **SECTION 47.** 972.15 (4m) of the statutes, as affected by 2013 Wisconsin Act.... 108

15      (Senate Bill 294), is amended to read:

16      **972.15 (4m)** The district attorney, the defendant's attorney, and, following a  
17      conviction for a felony in which an assistant attorney general has original  
18      jurisdiction, served at the request of a district attorney under s. 978.05 (8) (b), or  
19      served as a special prosecutor under s. 978.045, the assistant attorney general are  
20      entitled to have and keep a copy of the presentence investigation report. If the  
21      defendant is not represented by counsel, the defendant is entitled to view the

1 presentence investigation report but may not keep a copy of the report. ~~A~~ Except  
2 as provided in s. 950.04 (1v) (p), a district attorney or defendant's attorney who  
3 receives a copy of the report shall keep it confidential. A defendant who views the  
4 contents of a presentence investigation report shall keep the information in the  
5 report confidential.

6 **SECTION 48.** 973.015 of the statutes is renumbered 973.015 (1m), and 973.015  
7 (1m) (a) 1., as renumbered, is amended to read:

8 973.015 (1m) (a) 1. Subject to ~~par. (b)~~ subd. 2. and except as provided in ~~par.~~  
9 ~~(e)~~ subd. 3., when a person is under the age of 25 at the time of the commission of an  
10 offense for which the person has been found guilty in a court for violation of a law for  
11 which the maximum period of imprisonment is 6 years or less, the court may order  
12 at the time of sentencing that the record be expunged upon successful completion of  
13 the sentence if the court determines the person will benefit and society will not be  
14 harmed by this disposition. This subsection does not apply to information  
15 maintained by the department of transportation regarding a conviction that is  
16 required to be included in a record kept under s. 343.23 (2) (a).

17 **SECTION 49.** 973.015 (2m) of the statutes is created to read:

18 973.015 (2m) At any time after a person has been convicted, adjudicated  
19 delinquent, or found not guilty by reason of mental disease or defect for a violation  
20 of s. 944.30, a court may, upon the motion of the person, vacate the conviction,  
21 adjudication, or finding, or may order that the record of the violation of s. 944.30 be  
22 expunged, if all of the following apply:

23 (a) The person was a victim of trafficking for the purposes of a commercial sex  
24 act, as defined in s. 940.302 (1) (a), under s. 940.302 or 948.051 or under 22 USC 7101  
25 to 7112.

1 (b) The person committed the violation of s. 944.30 as a result of being a victim  
2 of trafficking for the purposes of a commercial sex act.

3 (c) The person submitted a motion that complies with s. 971.30, that contains  
4 a statement of facts and, if applicable, the reason the person did not previously raise  
5 an affirmative defense under s. 939.46 or allege that the violation was committed as  
6 a result of being a victim of trafficking for the purposes of a commercial sex act, and  
7 that may include any of the following:

- 8 1. Certified records of federal or state court proceedings.
- 9 2. Certified records of approval notices, law enforcement certifications, or  
10 similar documents generated from federal immigration proceedings.
- 11 3. Official documentation from a federal, state, or local government agency.
- 12 4. Other relevant and probative evidence of sufficient credibility in support of  
13 the motion.

14 (d) The person made the motion with due diligence subject to reasonable  
15 concern for the safety of himself or herself, family members, or other victims of  
16 trafficking for the purposes of a commercial sex act or subject to other reasons  
17 consistent with the safety of persons.

18 (e) A copy of the motion has been served on the office of the district attorney  
19 that prosecuted the case that resulted in the conviction, adjudication, or finding  
20 except that failure to serve a copy does not deprive the court of jurisdiction and is not  
21 grounds for dismissal of the motion.

22 (f) The court in which the motion was made notified the appropriate district  
23 attorney's office of the motion and has given the district attorney's office an  
24 opportunity to respond to the motion.

1 (g) The court determines that the person will benefit and society will not be  
2 harmed by a disposition.

3 **SECTION 50.** 973.015 (3) of the statutes is created to read:

4 973.015 (3) A special disposition under this section is not a basis for a claim  
5 under s. 775.05.

6 **SECTION 51.** 973.055 (1) (a) 1. of the statutes is amended to read:

7 973.055 (1) (a) 1. The court convicts the person of a violation of a crime specified  
8 in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21,  
9 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.32, 940.42, 940.43,  
10 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49,  
11 947.01 (1), 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201,  
12 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or  
13 947.0125; and

14 **SECTION 52.** 973.075 (1) (a) of the statutes is amended to read:

15 973.075 (1) (a) All property, real or personal, including money, used in the  
16 course of, intended for use in the course of, or directly or indirectly derived from or  
17 realized through the commission of any crime.

18 **SECTION 53.** 973.075 (1) (b) 1m. c. of the statutes is amended to read:

19 973.075 (1) (b) 1m. c. In the commission of a crime in violation of s. 940.302,  
20 944.30 (1m), 944.31, 944.32, 944.33 or, 944.34, 948.02, 948.025, 948.05, 948.051,  
21 948.055, 948.06, 948.07, 948.08, 948.09, 948.10, 948.12, or 948.14.

22 **SECTION 54.** 973.075 (2) (intro.) of the statutes is amended to read:

23 973.075 (2) (intro.) A law enforcement officer may seize property subject to this  
24 section upon process issued by any court of record having jurisdiction over the  
25 property. Except for vehicles used in the commission of a crime in violation of s.

1 940.302, 944.30 (1m), 944.31, 944.32, 944.33 or, 944.34, 948.02, 948.025, 948.05,  
2 948.051, 948.055, 948.06, 948.07, 948.08, 948.09, 948.10, 948.12, or 948.14, seizure  
3 without process may be made under any of the following circumstances:

4 **SECTION 55.** 973.075 (5m) (c) (intro.) of the statutes is amended to read:

5 973.075 (5m) (c) (intro.) If, by the forfeiture action deadline, a summons,  
6 complaint and affidavit have not been filed under s. 973.076 (2)-(a) (1) (b) 1. with  
7 respect to property seized under sub. (1) (e), the prosecutor shall notify the victim,  
8 if known, by certified mail no later than 7 days after the forfeiture action deadline.  
9 The prosecutor shall then return the property to the person from whom it was seized  
10 no earlier than 60 days and no later than 90 days after the forfeiture action deadline  
11 unless one of the following applies:

12 **SECTION 56.** 973.076 (1) (title) of the statutes is created to read:

13 973.076 (1) (title) CIVIL FORFEITURES.

14 **SECTION 57.** 973.076 (1) of the statutes is renumbered 973.076 (1) (a).

15 **SECTION 58.** 973.076 (2) of the statutes is renumbered 973.076 (1) (b), and  
16 973.076 (1) (b) 3., as renumbered, is amended to read:

17 973.076 (1) (b) 3. In counties having a population of 500,000 or more, the  
18 district attorney or the corporation counsel may proceed under ~~par. (a).~~ subd. 1.

19 **SECTION 59.** 973.076 (2m) of the statutes is created to read:

20 973.076 (2m) CRIMINAL FORFEITURES. (a) In addition to any penalties under this  
21 chapter, the court shall, with due provision for the rights of innocent persons, order  
22 forfeiture of any property specified in s. 973.075 (1) in accordance with pars. (b), (c),  
23 and (d).

24 (b) A criminal complaint must allege the extent of property subject to forfeiture  
25 under this subsection. At trial, the court or the jury shall return a special verdict

1 determining the extent of property, if any, that is subject to forfeiture under this  
2 subsection. When a special verdict contains a finding of property subject to a  
3 forfeiture under this subsection, a judgment of criminal forfeiture shall be entered  
4 along with the judgment of conviction under s. 972.13.

5 (c) An injured person has a right or claim to forfeited property or the proceeds  
6 derived from forfeited property under this subsection that is superior to any right or  
7 claim the state has in the property or proceeds. This paragraph does not grant the  
8 injured person priority over state claims or rights by reason of a tax lien or other basis  
9 not covered by this section or by s. 973.075 or 973.077. All rights, titles, and interest  
10 in property specified in s. 973.075 (1) vest in the state upon the commission of the act  
11 giving rise to forfeiture under this subsection.

12 (d) An injured or innocent person may petition the court for relief from the  
13 judgment of criminal forfeiture entered under par. (b) within 30 days after it is  
14 entered. The person filing the petition has the burden of satisfying or convincing to  
15 a reasonable certainty by the greater weight of the evidence that the person has a  
16 bona fide perfected security interest in the property subject to forfeiture in s. 973.075  
17 (1) or any other property subject to forfeiture in sub. (4). The court may order that  
18 a person with a bona fide perfected security interest be paid from the proceeds of the  
19 forfeiture or any other equitable relief necessary so as to do substantial justice to the  
20 person.

21 **SECTION 60. Effective dates.** This act takes effect on the day after publication,  
22 except as follows:

23 (1) The treatment of sections 51.20 (13) (cr), 165.76 (1) (am), 938.34 (15) (a) 1.,  
24 and 971.17 (1m) (a) 1. of the statutes takes effect on April 1, 2015.

25 (END)

**2013-2014 DRAFTING INSERT  
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**INSERT 14-15**

1  
2 ~~SECTION 1. 972.15 (4m)~~ of the statutes is amended to read:

3       972.15 (4m) The district attorney, the defendant's attorney, and, following a  
4 conviction for a felony in which an assistant attorney general has original  
5 jurisdiction, served at the request of a district attorney under s. 978.05 (8) (b), or  
6 served as a special prosecutor under s. 978.045, the assistant attorney general are  
7 entitled to have and keep a copy of the presentence investigation report. If the  
8 defendant is not represented by counsel, the defendant is entitled to view the  
9 presentence investigation report but may not keep a copy of the report. ~~A~~ Except  
10 as provided in s. 950.04 (1v) (p), a district attorney, the defendant's attorney, or an  
11 assistant attorney general who receives a copy of the report shall keep it confidential.  
12 A defendant who views the contents of a presentence investigation report shall keep  
13 the information in the report confidential.